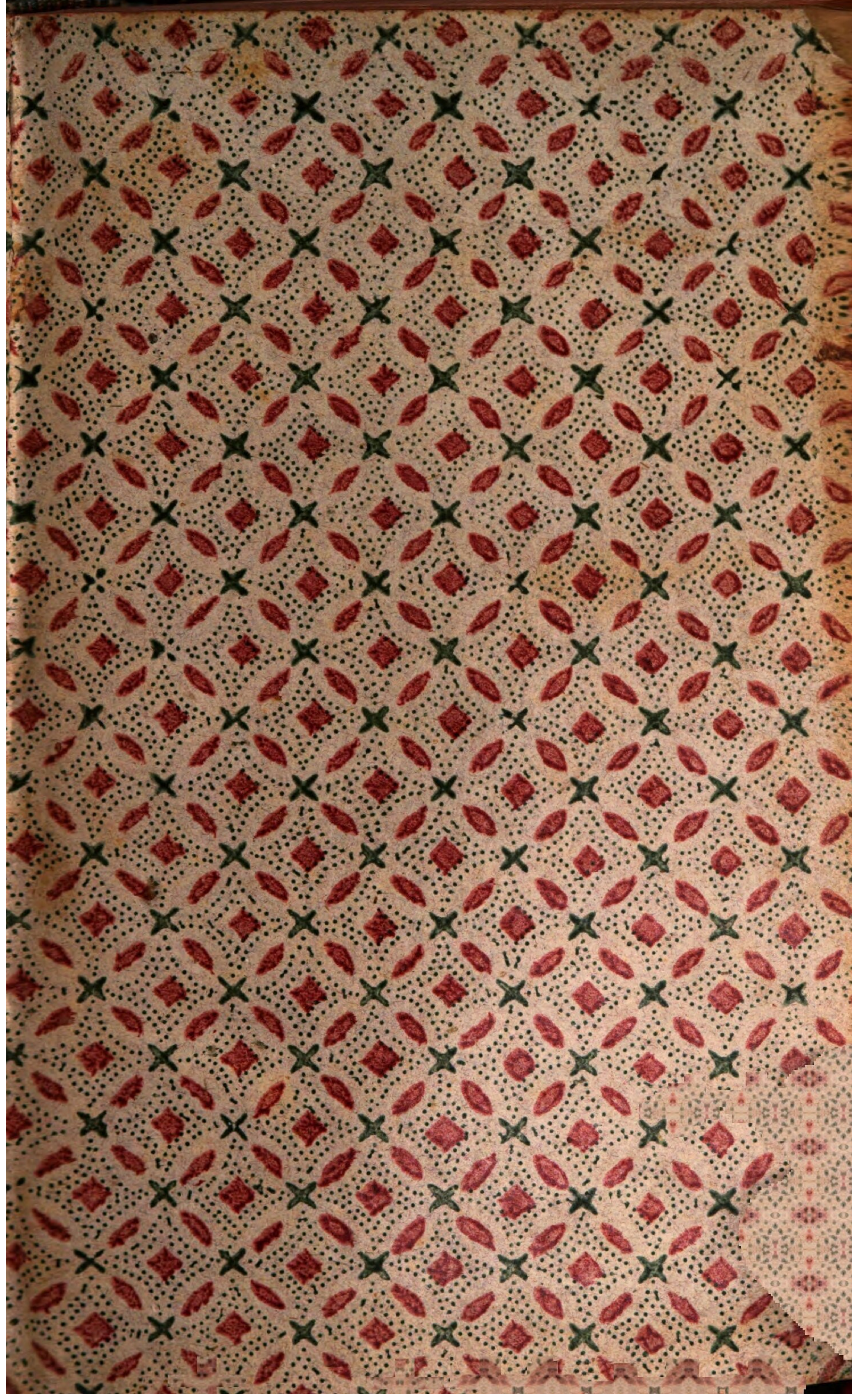






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LETTERS

ON THE

REVOLUTION OF FRANCE.

Speedily will be published,

THE SECOND PART OF THIS WORK,

CONTAINING

LETTERS on the State of the Clergy of England
—on the Proceedings in France respecting the
Clergy---on the proper character and situation of
the Clergy in Society---on the Alliance between
Church and State---on the Finances, Public
Debt, and Taxes of France---on the Abolition
of Monks and *Hereditary* Nobility----on the
Composition of the National Assembly---on the
Lawyers---on the Club des Jacobins---on the
Consequences of the French Revolution to
Europe, &c. &c.

ILLUSTRATED WITH

A MAP OF FRANCE,

According to the New Division of the Kingdom.

L E T T E R S
ON THE
REVOLUTION OF FRANCE,
AND ON THE
NEW CONSTITUTION

ESTABLISHED BY
THE NATIONAL ASSEMBLY:

OCCASIONED BY THE PUBLICATIONS
OF THE
RIGHT HON. EDMUND BURKE, M. P.

AND
ALEXANDER DE CALONNE,
LATE MINISTER OF STATE.

ILLUSTRATED WITH A CHART OF THE NEW CONSTITUTION.

TO WHICH IS ADDED,
AN APPENDIX,
CONTAINING
ORIGINAL PAPERS AND AUTHENTIC DOCUMENTS
RELATIVE TO THE AFFAIRS OF FRANCE.

Addressed to Sir JOHN SINCLAIR, Bart. M. P.

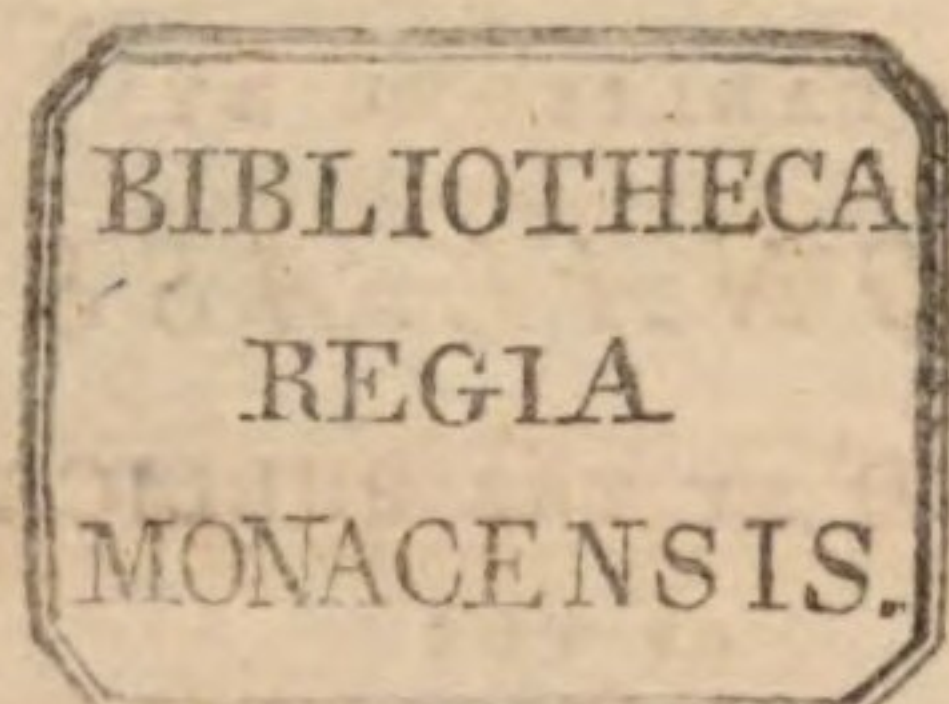
BY
THOMAS CHRISTIE.

PART I.

“ BEFORE MEN LAUNCH FORTH EITHER INTO THE PRAISE
“ OR CENSURE OF ANY SYSTEM, THEY OUGHT TO BE SURE
“ THAT THEY KNOW WHAT IT IS.”

L O N D O N:
PRINTED FOR J. JOHNSON, ST. PAUL'S CHURCH-YARD.

M, DCC, XCI.



“ YE horrid Tow’rs, th’ abode of broken hearts !
“ Ye Dungeons, and ye Cages of Despair !—
“ There’s not an English heart that would not leap,
“ To hear that ye were fall’n at last—to know,
“ That ev’n our enemies, so oft employ’d
“ In forging chains for us, themselves were free.
“ For, he who values Liberty, confines
“ His zeal for her predominance within
“ No narrow bounds.—her cause engages him
“ Wherever pleaded——’Tis THE CAUSE OF MAN !”

COWPER. *Address to the Bastille, in*
‘ THE TASK,’ Book V.

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LETTER I.

INTRODUCTORY OBSERVATIONS.

“ Can it be true loyalty to any government, or true patriotism
“ towards any country, to flatter their pride and passions
“ (or *prejudices*), rather than to enlighten their reason ?”

BURKE—*Letter to Farr and Harris*, p. 42.

DEAR SIR,

YOU are pleased to request my sentiments on the French Revolution, and Mr. Burke's late publication; and the same demand has been repeated from so many quarters, in consequence of certain peculiar circumstances known to my friends, which have connected me somewhat particularly with the controversy respecting the proceedings in France, and with Mr. Burke's opinion on that subject, that I can no longer resist these pressing solicitations, nor adhere to my original intention of keeping silence, and leaving the dispute in the hands of those, who are more equal to the task of conducting it than myself.

B

It

It is with reluctance that I give this publication the form of LETTERS, and treat the subject in a more hasty manner than I think its vast importance deserves. The greatest Revolution ever recorded in the history of mankind merited profound consideration ; and the variety of interesting scenes and discussions that have occurred in its progress, would have supplied ample matter for innumerable reflections.

It would therefore have given me pleasure to have treated the subject in a more systematic manner, and to have entered into an *elaborate review* of Mr. Burke's reflections. For, though I am far from conceiving my abilities to be equal to his, yet when he undertakes the difficult task of making the worse appear the better part; when he espouses so bad a cause, that all his eloquence can render it plausible only to those who have not an accurate knowledge of the facts; I should not have been afraid to have met him, or any writer, in the field of reason. But neither my necessary occupations in life, nor the duties I owe to those with whom I am connected, would at present justify that *abstraction of time, or distraction of thought*, which such a refutation would require*.

That

* I think it necessary to premise an apology for having entered upon this subject at all, when my situation did not permit
me

That Mr. Burke should have thought less favourably of the French Revolution on the whole than I do, would not have surpris'd me; that he should have disapproved of *some* of the proceedings of the National Assembly, was what I should rather have expected, and in which I would perhaps have joined him †.

The

me to do that justice to it which it deserves. For I perfectly feel what is due to Mr. Burke's abilities, though I am truly grieved at the use he has lately made of them.

† The laws respecting *the qualifications of electors*, are censured by Mr. Burke, and were severely condemned in Paris by some of the most decided patriots at the time they were passed. It was observed, that they had fixed rates too small to answer the end of a proper restriction, while at the same time they were large enough to infringe on the *rights of man*, and to serve as a precedent for farther limitations. I remember, however, that at that time, I found the minds of men in France much alarmed at the idea of extending the rights of election to *all* the citizens; and therefore, conceiving that they were not yet prepared for such a system, I thought the Assembly perhaps acted right in making a concession, which, while it conciliated ancient prejudice, was too trifling to interfere with practical utility. I have not, however, made up my mind completely on this subject; and if I had any concern in the government of a country, where an ineligible class of citizens demanded *eligibility* as their natural right, I should be much at a loss on what *principles* to refuse their request.

Another article, which I have heard much censured in Paris, (for our censures here are in every respect *secondary*; the proceedings of the Assembly having all been severely reviewed in France, long before Mr. Burke's discussion of them in England) is that one of the Declaration of the rights of man which respects *religious liberty*. Nor has it been censured without reason:

The strongest *general* approbation of the conduct of a public body, does not imply an assent to every *individual* measure they have adopted. But that he should condemn their conduct *in toto*—that he should censure the *principles* on which the revolution is founded, is to me indeed very wonderful. Mr. Burke I know to be a man of abilities, and a scholar; but he is the first example I ever knew

for if better laws had not since been made, and if the whole spirit of the Assembly's conduct had not been contrary to every sort of persecution for conscience sake, that article is so equivocal, that any species of religious oppression might have been grounded on it.

The Count de Castellane proposed to express it in another, and I think a far better manner: “No man ought to be troubled on account of his opinions, nor interfered with in the exercise of his religion.” M. Mirabeau, and Rabaut de St. Etienne, defended this mode with great zeal and ability. The excellent speech of the latter I have given at full length, Appendix, No. xxxvi. But they were not successful; and the article, as it now stands, is nearly in the words of the Count de Virieux. This is not the only time that that gentleman has sowed tares amongst the wheat.

With respect to the *abolition of titles, liveries, &c.* I think that measure has been generally ill understood in this country, as I shall shew afterwards; and I have been sorry to see more noise made about *names* and *nothings*, than about *rights* and *realities*. In the circumstances of France at that time, I thought the measure a proper one for that country; but if we speak of England, the case is obviously different. The Nobility of England are a very different class of men from the Noblesse of France. Those who are alarmed lest such examples should be followed here, most surely are afraid *where no fear is*.

of

of a *liberal* scholar, I mean one free to think for himself, and unfettered by *subscription* to the opinions of other men, who was capable of writing an elaborate apology for despotism; of composing an *elegy on the fall of arbitrary power*; or of prostituting eloquence, and the rich treasures of a mind stored with the wisdom of ages, to undermine the birthright of human-kind, and to abuse Patriots whom Athens would have adored, and of whom Rome was not worthy.

Ancient learning never appeared to me valuable, because it taught the *art of words*, and the little *finesses of style*; but I was wont to honour it, because I believed it infused *manly sentiment* and *heroic principle*; because I had not met with a man who truly understood it, whom “ancient learning had not warmed into the enlightened love of ancient freedom.” But Mr. Burke is an exception. He is a proof, that a man may have studied the sentiments and history of the patriots of Greece and Rome, and yet be capable of cherishing in his mind the principles of gothic feudality, and of consecrating in his writings the unclassic jargon of lawyers, monks and sophists of the middle ages.

Eloquence, my friend, was designed by

the all-wise Author of Nature, to be the companion of Wisdom, and the guardian of Truth. With these associated, she appears a blooming fair, whose charms captivate every beholder: but separated from these, she becomes a wandering prostitute; her beauty no longer dazzles the pure eye, her voice no more delights the virtuous ear, her charms no longer attract the well-regulated mind. Had the *principles* of Mr. Burke's book been as *just* as the *language* of it is *splendid* and *sublime*, it would have merited a place amongst the first productions of human genius. As the apologist of ancient prejudice, he is without a rival: in that bad eminence he has attained the first rank. But what avail his tuneful periods, that only cheat us into error and deception? What avail his brilliant colours, that only varnish the deformity of folly and oppression? With majestic grace, worthy of a nobler office, he conducts us to the Temple of Superstition, and the magic of his language foothes our hearts into holy reverence and sacred awe. But when we enter the consecrated portal, and behold a miserable deformed gothic idol in the corner of the temple, set up as the god of our adoration—in place of prostrating ourselves before it, we
spurn

spurn with indignation at the delusion: the gaudy ornaments of the place serve but to render it more shocking; we turn with disgust from the false splendor of the mansion of Idolatry, and hasten with chearful steps to the humble abode of unadorned Truth, to bow before her august presence, and receive from her the simple and salutary instructions of eternal wisdom.

I hope that in writing this book, Mr. Burke has been influenced by no motive but such as ought to have guided his pen on a subject important to the highest concerns of humanity. I hope he has no interest different from those of his fellow-citizens to support. But though this should be the case, though his sentiments should have flowed from unconstrained choice, and from sincere conviction, it does not follow that we are to submit to his opinions without examination. The power of his eloquence will seduce most readers, who have but a superficial knowledge of the subject, and do not consider that the present is a question of *facts*, not of *declamation* and *oratory*. To this I foresee but one corrective, the distrust that I think must unavoidably arise in the mind of a sensible reader in consequence of his *extreme violence*. Thinking men, even where they cannot refute him,

will doubt whether things can possibly be *so* bad in France as he represents them. A suspicion will arise, that while his book contains *loquentiæ satis**, it may possess *sapientiæ parum*†, the paintings of fancy, rather than the decisions of reason. When therefore I make an appeal to men of reflecting minds, and call upon such to hear the other side of the question---to forget for a time his fine-turned periods, and listen to a calm and dispassionate review of facts, I am not afraid that I shall be altogether unsuccessful in obtaining their attention.

Though I mean to confine myself almost entirely to the affairs of France, yet I cannot pass unnoticed Mr. Burke's cruel abuse, and gross misrepresentation of the sentiments and character of my friend Dr. Price---a man who is an ornament, not to his country alone, but to human nature; whose excellent moral writings are read in every part of Europe, and of whom all, who thoroughly know him, will own, that it is difficult to say, *utrum eum amici magis vererentur an amarent*‡. Mr.

* Enough of eloquence.

† Little solid wisdom.

‡ Dr. Price has very completely defended himself against the aspersions of Mr. Burke, in the Preface to the fourth edition of his Discourse on the Love of our Country, to which I refer my readers.

Mr. Burke calls himself an old man, and he is amongst the last persons from whom I should have expected an insult on old age. Antiquity, which he professes to copy, revered the hoary head. To use the expression of an animated writer*, if he had had as much regard for the grey hairs of virtue, as he has for the accidental distinctions of civilized life, he would not have dared to abuse a man, whose life has been spent in virtue and benevolence—who was never known to be angry but in the cause of mankind, and who, if his efforts in that cause have exposed him to the calumny of ill-informed or interested men, yet never was disliked but where he was unknown, nor condemned but when his conduct had been misrepresented.

Some who had nothing else to object, have censured Dr. Price for preaching a

readers. And his three Propositions, that by the rights of nature, as well as by the constitution of England, the people have a title,

1. To chuse their own governors :
2. To dismiss them for (glaring) misconduct—No man can be supposed to speak of trifles :
3. To frame a government for themselves :

Have been supported by a mass of historical evidence and argument sufficient to convince any man, who is possessed of a sincere love of truth.

* Miss Wollstonecraft. Vindication of the Rights of Man, in answer to Mr. Burke.

political

political sermon of any kind. And as I daily hear vague and crude observations, thrown out by people who speak upon subjects without having clear ideas of them, respecting the impropriety of *introducing politics into the pulpit*, I think it fit to examine the grounds and reasons of such assertions. First, then, if any one will maintain, that politics ought in no case to be brought into the pulpit, I will reply, that his opinion is totally ill-grounded; for the Bible, from which a clergyman takes the subject of his discourse, contains a number of *political texts* and *political narrations*. And if the whole Word of God be of use for doctrine, for correction, and for instruction, as an Apostle has asserted, it follows, that a clergyman is no more warranted to neglect such passages, than any other parts of the sacred volume.

In direct contradiction therefore, to the ill-digested notions of some people on this subject, I assert, that *it is the duty of a clergyman sometimes to preach political sermons*; and those who refuse to assent to this maxim, in order to justify themselves, must begin by blotting all the political texts out of the Old and New Testament.

Farther, a clergyman is bound by his office to teach the people their *duties*, one of which
is

is *obedience to lawful government*. This I think nobody will deny. But this is *politics*. Only it is a *kind* of politics with which our governors are not likely to quarrel. I know not if history records any instance of a magistrate, who blamed the clergy for preaching up the doctrines of *passive obedience* and *non-resistance*, as they used to do in the last century, although I am clearly convinced that they departed from their duty when they did so.

Thirdly, It is a clergyman's duty to instruct the people in the *measure* and *limits* of obedience to their superiors; for he is a servant of the Governor of the Universe, and he is bound to take care that the interests of his *proper Master* do not suffer by the interference of *inferior governors*. He ought to teach the people, that though they owe a duty to their *king*, they owe a higher one to their *God*; and as it is possible that a case may occur (because such have already occurred) where the service of the two masters may interfere, he is bound to forewarn them, that when such occasions occur, they ought to obey God rather than man.

Fourthly, Is it not the business of a clergyman to remind governors of their duties to the people? But while he teaches governors
their

their *duties*, it is manifest he instructs the people in their *rights*. Thus politics are unavoidably introduced into the pulpit, unless the governors never come to church, or the clergyman is afraid to offend them by reminding them of their duty.

Lastly, In all cases where the political institutions of a nation are immediately connected with the interests of truth, or the welfare of piety, they properly come under a clergyman's consideration in the pulpit. I think a clergyman acts properly, who sometimes preaches a sermon in favour of the *liberty of the press*, and teaches his audience the high value of that inestimable privilege; for the propagation of truth is the most sacred and peculiar duty of the ministers of the gospel: But truth cannot be propagated where the press is restrained; and therefore, the servants of the God of truth ought to discountenance every regulation, that opposes the diffusion of its salutary rays.

Hence, also, I think a clergyman acts strictly in character when he preaches against the *Test Act*, or any other species of persecution or grievance for conscience sake: For if he is bound to remind civil governors of their duties, he ought to tell them, that being instituted *solely* to take care of the *state*, and
of

of men's *civil interests*, they have no business to interfere with *religion*, which ought to rest entirely between God and a man's own conscience. He is bound to tell them, that they go totally out of their line, when they even enquire what a man's religion is; and that they abuse their power, when they do not grant equal encouragement and equal protection to every *good citizen*, whatever his mode of faith may be. It is right that he should tell them, that, by a *partial* distribution of the revenues of the State, to promote one set of religious doctrines, and by annexing inconveniences and embarrassments to the professions of other classes of opinions, they throw temptations in the way of the citizens, to act contrary to their conscience from worldly views, and do all in their power to stop the progress of truth, by giving one set of opinions an undue advantage; which, if they are true, is *useless*, because they stand in no need of it; and if they are false, is *pernicious*, because it prevents the contrary truths from gaining ground in opposition to them.

Lastly, He is entitled to reprobate religious tests, because they render the duty of obedience to governors very difficult, if not impossible to the people: For, whenever a class of men are marked out in an odious way;

way; when they are deprived of the rights possessed by the rest of their fellow-citizens, on account of their religion, they immediately become more or less *disaffected* to the state; their sense of obligation to respect and obey their governors is *weakened*. Nor can it be otherwise; for who can cordially esteem a government that oppresses or stigmatizes him, who can feel the justice of his suffering when he is made to suffer for that which is his highest duty, namely, to adhere to the dictates of his conscience? These religious tests are as *impolitic*, as they are unjust: They do not keep bad men out of offices, for such do not scruple to swallow them; but they keep honest and conscientious men out of stations, where they would be useful and valuable to the community.

In all such cases, a clergyman may properly introduce politics into the pulpit. Nay, I hold it to be incumbent upon him to do so: For, he is bound to remind all orders of men of their duties to each other, and to adapt his discourses to the circumstances of the times; declaring boldly the whole counsel of God, and refuting those false and bad principles, which men make use of to justify their injuring and oppressing one another. The only kind of politics which ought never to appear
in

in the pulpit, is *private* and *local politics*. A clergyman has no business to make use of his pulpit to trumpet forth party measures and faction. He has no business to preach up, or preach down ministers, or particular statesmen—nor to praise or to traduce opposition. The statesmen are not amenable to him, nor is he in general a proper judge of their public conduct. With *persons* he has no concern in the pulpit; it is only with *principles*, and not even with these when they are *purely political*, but only when they are connected with the interests of religion or morality. In a word: A clergyman is concerned with politics which influence morals, but has no concern with politics *as such*.

This I apprehend is the true state of the case, and the proper boundary the public ought to fix; which if any one extends, he will not find it easy to vindicate his principles; and which if he narrows, he will both deprive a large class of men of their natural liberty, and also put it out of their power to perform an indispensable part of their *duty*.—

Mr. Burke has taken care to secure popularity with a numerous class of readers, by his lavish compliments, and repeated encomiums on the British Constitution. I trust I love my country, and respect its constitution,
as

as much as I ought to do, though I cannot join in all the indiscriminate praises he bestows on either. There is something that I hold to be greater and dearer than the British or any Constitution : that is, *The Rights of Man*, founded on the great principles of eternal justice and reason. It is from these rights that all particular Constitutions derive their authority, and the British Constitution is respectable only as it is conformable to this unchangeable standard. Men should recollect, that if the period could arrive, when the Rights of Man were no longer acknowledged or appealed to by nations, the British Constitution would rest solely on the basis of mere *power*. The ideas of a Lawyer eternally haunt Mr. Burke. He founds our most sacred rights on no other ground than that of *prescription*. But what time gives, time may take away—what power conferred, power may rob us of—“ When a strong man
 “ armed keepeth his palace, his goods are in
 “ peace: But when a stronger than he shall
 “ come upon him, and overcome him, he
 “ taketh from him all his armour, wherein
 “ he trusted, and divideth his spoil.”

Truly to love the constitution of our country, is not to love it as a foolish mother doth her darling child—it is not with overweening fondness

fondness to flatter its defects, and to hug its errors †. If Mr. Burke's advices were to influence all the inhabitants of Britain ; if all of us were inspired with the same timidity and terror of innovation that he is, the consequence would be, that no change whatever, no improvement of any kind could take place amongst us ; and while all the people around were advancing rapidly to higher degrees of perfection, Britain alone would stand stationary, till at length she would be left behind by all her neighbours, and lose the honourable station she once held amongst the nations of the earth.

It is a remarkable fact, that, in human affairs nothing stands still, or remains for any time absolutely the same ; all is in a state of perpetual progress. That which is not improving, is degenerating. We never reach absolute perfection : but we constantly fluc-

† “ I admire,” says Mounier, “ that sacred respect which the English have even for the *defects* of their Constitution.” (*Considerations sur les Gouvernemens.*) A little after, he declared his opinion, that it would be a most fatal measure to appoint, as was proposed, fixed periods for reviewing the Constitution. M. de Lally Tollendal adopted the same principles. It was no wonder that such men soon lost the confidence of the National Assembly of France ; and having forfeited respectability, it was to be expected, that they would be disgusted, retire, and become the Oracles of the discontented at home, and of Mr. Burke, the Champion of the Deserters abroad.

tuate nearer to, or farther from it. Political constitutions, like all the other works of human art, suffer by use——stand in need of renovation—and should be frequently compared with the *standard* by which they were at first formed. Occasional changes are therefore necessary in all governments——both to preserve them in their original purity, and also (seeing light and knowledge are continually on the increase) to make them as good in succeeding ages, as they were at the time of their institution. For a constitution may have been a good one some ages ago, that is a most miserable one at present. If these things be true, what shall we think of the famous maxim, *Nolumus leges Angliæ mutari*, taken as a *general* rule? Mr. Burke probably admires it as a sound aphorism; but, to me, it appears one of the most striking specimens of political arrogance—one of the proudest effusions of human ignorance and presumption.

As posterity have the same right to judge for themselves, that we had to judge for ourselves, the attempt to bind them by *unalterable laws*, is as unjust, as it is impracticable. Indeed, were it practicable, it would not for the reasons I have stated above be desirable. To make eternal laws for a world that is
ever

ever changing, is an absurdity. It is like the folly of Aurora in the ancient fable of Tithonus. She asked *immortality* from the gods for her husband, but forgot to ask at the same time *perpetual youth*; so he lived to be an *eternal burden* to her. What though we could eternize our laws, if we cannot make them eternally *fit*? To perpetuate what is useless or improper, is to perpetuate mischief.

Mr. Burke is certainly not so bad a friend to *reforms* as he would have us think, for he has proposed a great many himself: But he is obstinately prejudiced in favour of one mode of reforming, which is, by ingrafting part of new principles on the stock of old ones*.

I will candidly confess that this is generally a good method, and suited to the common analogy of Nature: But it is not the only good method, nor will it answer in all cases. Seasons occur when it is utterly inadequate. A man cannot alter and repair his house to
eternity;

* Even this he has not always approved; for, in his bill for reforming the King's Household, he puts the question, "Whether we ought to economize by *detail*, or by *principle*?" and decides in favour of the last. This is exactly the case of the National Assembly of France. They had amongst them many who wished to reform by *detail*. But a majority luckily were in favour of a reform on *principle*—a complete, substantial, and permanent reform.

eternity; the time comes when it is far better to pull it down, and build up a new one. When the whole mass of juices are corrupted, as M. Mirabeau well observed, it will not do to cut off some of the members. The greatest and most respectable men in France were of opinion, that their country was in this deplorable state; and surely they were better judges of its condition, than either Mr. Burke or any Englishman can pretend to be.

I shall not say much on Mr. Burke's reasonings on government in general, or on our own constitution, as they are but incidental to the subject of the book, and have been fully taken up by others more competent to the task than myself.—Where the objects of discussion are so numerous, and my leisure to attend

Mr. Burke's present political system is well delineated in a passage of Dryden—Absalom and Achitophel:

“ All other errors but disturb a state;
But *Innovation* is the blow of fate.
If ancient fabrics nod, and threat to fall,
To *patch* their flaws, and *buttress up* the wall,
Thus far 'tis duty:—but here fix the mark;
For all beyond it is to touch the ark.
To change foundations, cast the frame anew,
Is work for rebels, who base ends pursue;
At once divine and human laws controul,
And mend the parts by ruin of the whole.
The tampering world is subject to this curse,
To physic their disease into a worse.”

to them so limited, I am willing to interfere as little as possible with others. I am far however from thinking his ideas accurate on these subjects. The subsequent conventions of civilized society cannot take away the rights of nature, because such conventions were formed for the very purpose of maintaining these rights, and lose all their force whenever they cease to answer that end, for which they were instituted. When governments attack these, they make an assault on the very foundation on which their authority is placed. The right of resistance ought to be exercised. The people have a title to resume those original rights, which they had delegated as a *trust*, not as a *property*, and which they would never have delegated at all but in order to render them more secure *.

It is an incorrect idea, that men, on entering into society, sacrifice some of their natural rights. They only change the mode of exercising them. "Every man," says Mons.

* Since this was written, I have seen Mr. Rous's Thoughts on Government, in which this part of the subject is treated in a masterly manner. In point of candour and accuracy, this little tract merits the highest encomium. In chaste elegance of language, and manly force of argument, it deserves to be held up as a model to political writers.

Rabaut de St. Etienne *, “ had (originally)
 “ the right to preserve his existence, and that
 “ property which enabled him to sustain it,
 “ and to repel the attacks and usurpations of
 “ others. Every man, on entering into
 “ society, brought these rights along with
 “ him:—only he has charged others to assist
 “ him with their force and their means ; and
 “ he has said to them, I will not employ my
 “ own power, provided you will protect me
 “ with all yours, and I will render you the
 “ same service in my turn.”

The social man therefore, in no shape, sacrifices his right to defend his person or property ; but he changes the mode of exercising it. In place of using his *own arm*, he has recourse to the *arm of society* ; and only for this reason, that it can more effectually protect him, than he can protect himself †.

Mr.

* In his excellent paper, intitled, “ Idées sur les bases de toute constitution.” *Proc. Verb.* Tom. III.

† But what if the social arm fails to do this—what if an individual suffers an injury, and Government does not redress it ? In that case, does his natural right to redress himself return ? This is a delicate question, and leads us to the difficult problem respecting the lawfulness of resisting established government. It has usually been said, that if the benefits derived from a government were greater on the whole, than the evils produced by it, resistance was unlawful. If this, though

Mr. Burke seems to think, that inheritance is the sole ground of right to property or privileges, either in the people, or their monarch. This appears to me a very strange doctrine. On such principles, if I had been born in Turkey, and the Grand Signior had ordered my head to be cut off, and placed on a pike at the gate of the seraglio, that cruel despot might have replied to my remonstrances: “ I do you no injustice—this right I have received by *inheritance from my Fathers.*” Either the rights of man are alienable, or they are not. If alienable, the Grand Signior’s argument would be good; but if unalienable, it would not; and Mr. Burke’s idea, that inheritance is the only ground of right, will also fall to the ground.

Mr. Burke desires to be thought such a Whig as was Lord Sommers. We wish no more of him, but we see a good deal of difference between his principles, and those

though near the truth, be not altogether correct, it is however certain, that if the social man finds his wrongs better redressed on the whole by the arm of society than by his own, he would neither act wisely, nor be justified in overturning the constitution of that society, on account of one or a few instances where justice had not been done to him, because he must be sensible, that even in a state of nature, he would have met with many obstacles, and often been unable to redress himself.

which that great man was known to hold. Mr. Burke's conformity with Lord Sommers is only *in appearance* ; and by taking advantage of some prudential expressions of doubtful force, which his Lordship employed in certain public papers, merely to soothe the prejudices of the people, and, as far as possible, to accommodate himself to the language they had been accustomed to use.

That Mr. Burke's arguments are not the arguments of Lord Sommers and the Whigs, but those of the Tory party at the Revolution, has been so well shewn by Sir Brooke Boothby, in his Answer to Mr. Burke's Reflections, that I have nothing to add on that subject. And if Lord Sommers's general principles of Government are to be taken from the Tract intitled, "The Judgment of whole Kingdoms and Nations concerning the rights, power and prerogative of Kings," &c.* they will be found to differ considerably from those of Mr. Burke. Lord Sommers, instead of

* I am obliged to Mr. Brand Hollis for sending me this Tract, which is become very rare. That it was really written by Lord Sommers, though at first printed without his name, I believe there is no reason to doubt. And indeed the same sentiments occur in other parts of his writings ; especially in the "Just and Modest Vindication of the Proceedings of the two last Parliaments," 4to, 1681, in answer to Charles II.'s Declarations of the Reasons that moved him to dissolve them.

founding all our rights in society on *convention*, and reasoning continually about *hereditary right*, *prescription*, &c. begins by establishing, that men are members of a higher community than any that exists on earth, subjects of a greater King than any who reign over nations:—that therefore the people owe an obedience to God, and the laws of nature, (which are his laws), antecedent to all obligations to earthly princes; and must in every case, when the two interfere, adhere to the former, and break the latter, in spite of all laws, agreements, and *conventions* whatsoever. This doctrine goes a great way, Sir—much farther than some will at first see; but I must leave it to your own discernment to deduce the consequences.

“The first and highest treason,” says Lord Sommers, “is that which is committed against the Constitution.” Here we have a parallel to the *Leze-nation* of the French legislators.—He adds, that crimes against the King are declared to be *high-treason*, only because the King is the person peculiarly charged with the duty of preserving the Constitution.

“It is plain from what hath been said, that all government, authority and magistracy proceeds

ceeds from the people *.” This is exactly similar to the 3d article of the French Declaration of the Rights of Man.

“ The Prince has his authority from the
“ people, or the law which *chuses*, or appoints
“ him to be † supreme,” &c. The French
say, “ There is not in France any authority
“ superior to the law--the King reigns not
“ but by it,” &c. ‡.

“ Whenever any person is *chosen* from
“ the rest of the society, and raised to King-
“ ship,” &c. You will judge here who comes
nearest the language of Lord Sommers, Mr.
Burke, or Dr. Price ||.

“ Amongst all the rights and privileges
“ appertaining to us, that of having a share
“ in the legislation, and being to be governed
“ by such laws as we ourselves shall chuse, is
“ the most fundamental and essential §.” In
what reasonable or honest sense of the phrase
can the people be said to have a share in the
legislation, or to be governed by their own
laws, in a nation where the great majority of
them are not represented?

“ As they (the people of England) have
“ left nothing to the King’s private discretion,
“ much less to his arbitrary will, but have

* Page 73.

† Page 22.

‡ Art. II. of the Constit.

|| Page 10.

§ Page 14.

“ assigned him the laws as the rules and
 “ measures he is to govern by ; so they not
 “ only delegated it unto him, as a trust,
 “ which he is to swear faithfully to perform,
 “ but they also reserved a liberty, right and
 “ power unto themselves, of *inspecting* his
 “ administration, making him *responsible* for
 “ it, and of abdicating him from the sovereign-
 “ ty, upon universal or egregious failures in
 “ the trust that had been credited and con-
 “ signed unto him*.” This again resembles
 Dr. Price’s phraseology not a little.

“ The safety of the people is the supreme
 “ law, and what they by common consent
 “ have enacted, only for the public safety,
 “ they may without any obstacle *alter*, when
 “ things require it, by the like common
 “ consent†.”

“ It is the fundamental right of every na-
 “ tion to be governed by such laws, in such
 “ manner, and by such persons as they think
 “ most conducing to their own good---they
 “ cannot be accountable to any but them-
 “ selves for what they do in that important
 “ affair. This power,” he adds, “ has been
 “ lodged by different nations in different parts
 “ of the community. But in what hand
 “ soever it is, the power of making, abro-

* Page 16.

† Page 20.

“ gating

“ gating, changing, correcting or interpret-
 “ ing laws, has been in the same; kings
 “ have been rejected or deposed; the suc-
 “ cession of the crown settled, regulated or
 “ changed. And I defy any man to shew me
 “ one king amongst all the nations afore-
 “ mentioned, that has any right to the crown
 “ he wears, unless such acts were good *.”

Such are the principles of the Revolution Whigs; yet Mr. Burke, who would be thought one of them, asserts, that if the people of England ever had such rights as these, they have most solemnly abdicated them for ever!

I believe Mr. Burke is the first writer, who ever imagined that the Revolution established the principle of an *unchangeable hereditary succession*, and abrogated the right of the people to interfere, at any future period, in the appointment of a sovereign, or to render that appointment elective. Had the old Jacobites, Non-jurors, Tories, &c. possessed penetration enough to see things in this light, they never would have reprobated the Revolution in the manner they have done. But they regarded it in a very different point of view. They thought it gave a death wound to their favourite principle of *uninterrupted hereditary right*—they considered it as a most

fatal *precedent*, which would be referred to for ever after, and might be *repeated* on any similar occasion.

“ I will shew that they (the people) have
 “ authority to set aside the next heir to go-
 “ vernment, when *unfit* or incapable to go-
 “ vern; and also to dispossess those that are
 “ in possession, if they observe not the laws
 “ and conditions, by which, and for which
 “ their dignities were given them,” &c *.—
 Again,—“ He that comes in by the power
 “ of the sword, may be deprived by the
 “ power of the sword; it is nothing but the
 “ consent of the governed can give a right to
 “ *succession* †.” He is speaking too of fixed
 hereditary succession.

Mr. Burke has opposed a parliamentary re-
 form *in toto*; but Lord Sommers declared
 that the people of England had a right,
 “ by several positive laws, to *annual* parlia-
 ments ‡.” And in his “Just and modest vindi-
 cation,” he says, “ The wisdom of our An-
 “ cestors has provided by divers statutes, both
 “ for the holding of parliaments *annually*, and
 “ that they should not be prorogued or dis-
 “ solved till all the petitions and bills before
 “ them were answered and redressed.” He
 there refers to the particular statutes in favour

* Page 73.

† Page 47.

‡ Page 14.

of annual parliaments, 4 Edw. III. c. 14. 36.
Edw. III. c. 10. 2 Rich. II. numb. 28.

From these few specimens you will judge of Mr. Burke's conformity to the principles of Lord Sommers.

The men who are now such whigs as Lord Sommers was in his age, are those who support that parliamentary reform, which Mr. Burke maintains is not necessary. These men are also the true friends to the constitution of their country, since they wish to bring it back to its original principles. Mr. Burke, on the contrary, fearing that the example of France may be urged as a precedent for some changes at home, has employed all his abilities to calumniate the proceedings in that country. And for a time, at least, his efforts will be successful. The French revolution, I perceive, has at the present moment an unhappy effect on the minds of men in this country. When any mention is made of *reform*, *improvement*, or *change* of any kind whatever, their feeble or frightened imaginations immediately conjure up the horrors of anarchy, riot, mobs, murders, burnings, &c. The *present evil* then appears as nothing compared to the *future* possible mischief, for the objects of reality never bear any proportion to the phantoms of a troubled imagination.

nation. Were Mr. Burke at present to propose his Reform Bill, it would be negatived, I believe, without a division. Were he to talk at this moment of *reforming the King's household**, we should find the good country gentlemen calling out with one voice, "The previous question!—if he gain this point, he will never rest till he *burls* the King from his throne." The time of this panic will pass away. Men will recover their reason. The phantoms will disappear; and those who now support the French revolution, like other Atlases, on their laden shoulders, will find it a burden that every day grows lighter, till at last it is reduced to nothing. The time approaches, when people will be disputing with us the honour of having approved it. I hope to be forgotten amidst the multitude of its admirers, and, like the worshippers of Hindostan, to find my separate existence lost in the ocean of the universal mind.

All the theories of speculative men, all the oratory of republican writers, never would have persuaded the people of France to this great and

* "This establishment (the Royal Household) in my opinion is exceedingly abusive in its constitution. It is formed upon manners and customs that have long since expired. In the first place, it is formed in many respects on *feudal* principles, &c."—Speech of Mr. Burke, Feb. 11, 1780.

general revolt against their government, had it been but tolerably good—had they enjoyed a reasonable share of happiness and public liberty, such as we enjoy in this country. The good people of England may be very tranquil. We want a reformation; but there do not exist amongst us adequate causes to produce a revolution. “The bulk of
 “mankind,” as Mr. Burke observes in a former production, “on their part are not excessively curious concerning any theories
 “whilst they are really happy; and one sure
 “symptom of an ill-conducted state is the
 “propensity of the people to resort to
 “them.—General rebellions and revolts of
 “a whole people never were *encouraged*,
 “(brought on by encouragement); they are
 “always *provoked**.”

Is it not astonishing, that men should lose all ideas of the possibility of a *calm* and *peaceful* plan of reform? Will any one pretend to reverence the British Constitution, and yet deny it to possess that which is common to every well-organized system, either in the natural or moral world, an internal principle of renovation, a power to repair the injuries of time, without overturning the

* Letter to Farr and Harris.

whole fabric †? Is it not wonderful, that reflecting men should forget, that the whole business of parliament every session, is nothing else but one continued series of reforms and improvements, to correct the defects of old institutions—to adapt them to changed circumstances, or to form new establishments suited to new situations of things? Have not the best and wisest men of the nation, those in whom the public repose the most implicit confidence, given a free and decided opinion that great reforms were necessary both in church and state? Need I appeal to the testimony of the Tillotsons, and Burnets, and Hoadleys? Need I quote the words of Locke, and Clarke, and Newton? Need I recall the opinion of Lord Chatham, or remind my readers of Mr. Pitt's able speech in favour of parliamentary reform? Mr. Beaufoy justly remarked in the House of Commons, May 7, 1783, "That all the advantages civil and religious that we enjoy at this hour, were in

† Mr. Fox said, on the debate in the House of Commons, May 7, 1783, that he thought the English Constitution admirable in practice, but very faulty in theory; and that he considered it as one of its chief excellencies, that it contained in itself a *renovating principle*, by the operation of which improvements might be made, which would gradually carry it to perfection.

reality the immediate and fortunate effects of *innovation*. It was by innovations that the English constitution had grown and flourished. It was by innovations that the House of Commons had risen to importance—it was at different æras that the counties and towns were empowered to elect representatives. Even the office of Speaker was an innovation, for it was not heard of till the reign of Richard II. What was more, the freedom of speech, which was now valued so highly, was an innovation; for there were times when no member dared to give rein to his sentiments, and when his head must have answered for the boldness of his tongue, &c. And Mr. Fox not less properly asserted in the debate, April 18, 1785, “That from the earliest periods of our government, the principle of innovation, or as it might more properly be styled, of *Amendment*, was neither more nor less than the practice of the constitution.”

Mr. Pitt declared, on announcing his motion for a parliamentary reform in 1783, that his wish was to restore the true spirit to our constitution, and to bring it back to that stability and vigor which time and changes, accident and events, had contributed to enfeeble and diminish.” He added, “that the state of parliamentary representation was *partial* and *inadequate*

inadequate—that the progress of an undue influence was alarming and ominous—that the true spirit of liberty had decayed—that the powers which check and controul in the different branches of the government, were debilitated—that it was universally known and acknowledged, that the House of Commons had departed from the original spirit and rules of the constitution—and that the people of England complained with reason and justice, that there subsisted not between them and their representatives, that strict community of interest and language which ought invariably to have prevailed.”

He repeated the same sentiments when in office, on occasion of his motion for a reform in parliament, April 18, 1785; and supported it by such a striking picture of the degeneracy of this part of the government, that Mr. Powis accused him of having pronounced “ a *funeral oration* on the constitution of his country.”

Will any one venture to assert, that Mr. Pitt did not really believe what he asserted in the British Senate on these solemn occasions? or will they maintain, that such assertions are mere declamation, instead of the well-digested opinion, of one of the ablest men in the nation? With whatever indifference such

opinions may be heard by those interested to support abuses, they certainly have given a just alarm to a great number of the impartial and reflecting part of the community.

Mr. Burke himself, Sir, may be cited as a powerful evidence in favour of the necessity of a parliamentary reform; and his ideas in former times on that subject, appear so contradictory to his present sentiments, that an intelligent friend of mine is of opinion, that a sufficient answer might be collected out of his own writings, to his last publication.

“ I do most seriously put it to Administration,” said he in 1780, “ to consider the wisdom of a timely *reform*. Early reformatations are amicable arrangements with a friend in power: Late reformatations are terms imposed upon a conquered enemy. Early reformatations are made in cool blood: Late reformatations are made under a state of inflammation. In that state of things, the people behold in government nothing that is respectable. They see the abuse, and they will see nothing else. They fall into the temper of a furious populace provoked at the disorder of a house of ill fame; they never attempt to correct or regulate, they go to work by the shortest way; they abate the nuisance, they pull down the house.

“ They who call upon you to belong *wholly* to the people, are those who wish you to return to your *proper* home, to the sphere of your duty, to the post of your honour, to the mansion-house of all genuine, serene, and solid satisfaction. We have furnished to the people of England (indeed we have) some real cause of jealousy. Let us free ourselves at once from every thing that can increase their suspicions, and inflame their just resentment. Let the Commons in Parliament assembled, be one and the same thing with the Commons at large. Let us give a faithful pledge to the people, that we honour indeed the Crown; but that we *belong* to them *.”

If, on the 11th of February 1780, Mr. Burke was well convinced of the necessity of a Reform in Parliament, I appeal to any man of sense, I appeal to himself, whether Parliament is any better now than it was then. I do not say it is *worse*. I rest it upon the simple ground of its being *in statu quo*. The grand object of Mr. Burke's bill at that time,

* Speech of Edmund Burke, Esq. Feb. 11, 1780, on presenting to the House of Commons a plan for the “ better security of the independence of Parliament, and the economical reformation of the civil and other establishments.”

as he himself tells us, was “for the better
 “security of the independence of Parlia-
 “ment.”——“What I confess,” adds he,
 (p. 1.) “was uppermost with me; and what
 “I bent the whole force of my mind to,
 “was the reduction of that *corrupt influence*,
 “which is in itself the perennial spring of
 “all prodigality, and of all disorder; which
 “loads us more than millions of debts; which
 “takes away vigour from our arms, wisdom
 “from our councils, and every shadow of
 “authority and credit from the most vener-
 “able parts of our constitution.”

In a publication prior to that, he had given his opinion, that as the distempers of monarchy were the great subjects of apprehension and redress in the last century, so in this it was “the distempers of parliament” that wanted a remedy †. Men will remember that Mr. Burke, at that time, doubted if the reform of parliamentary disorders could *begin* in Parliament itself, and asserted that it certainly could not be *completed* there—that he then talked of “the interposition of the body of the people” at large, and of *settling standards* for judging more systematically of the conduct of the representatives of the nation

† Thoughts on the present Discontents, p. 100.

“ in the meetings of counties and corporations.” These bold ideas were grounded upon the peoples want of confidence in the Government.

In whom can the people be supposed to place confidence? In men of *steady principles* and *fixed views* of things. We shall hardly be able to forget that Mr. Pitt brought in a Bill for a Parliamentary Reform, and that Mr. Burke, who in 1770 had spoken in the manner I have quoted above, opposed this reform with all his might. As such conduct could not then have been expected from what he had said and done before, so I do not see now that his present opinions and conduct furnish any solid ground of calculating what he may say or do hereafter.

That a complete and radical reform in the representation of the people would be as advantageous to the Sovereign as to his subjects, is a point of which I entertain not a doubt. The *real* interest of his Majesty is exactly the same with that of his people. A free, uncorrupted, independent Parliament, is essential to both. The worthy Bishop of Llandaff has illustrated this so well, that I cannot forbear transcribing a passage from him on the subject.

“ A second consequence of the Bill pro-

“ posed (for equalizing the revenues of the
 “ Bishops) would be a greater independence of
 “ the Bishops in the House of Lords—the advice
 “ of an independent Parliament is as service-
 “ able to the Crown, as that of an independent
 “ friend is to an individual. We know by
 “ whom it was said, “ Where no counsel is
 “ the people fall: but in the multitude of
 “ counsellors there is safety:” And we know
 “ too that the wise king who said it, would
 “ have said no such thing, had he suspected
 “ that an *external influence*, rather than an
 “ internal conviction, would have rendered
 “ his multitude of counsellors *all of the same*
 “ *mind*. The principles of those who have
 “ spoken against the influence of the Crown,
 “ have been either much misunderstood, or
 “ much misrepresented. Not one jot of the
 “ legal prerogative did I ever wish to see
 “ abolished; not one tittle of the King’s in-
 “ fluence in the State to be destroyed, except
 “ so far as it was extended over the delibera-
 “ tions of the Hereditary Counsellors of the
 “ Crown, or the Parliamentary Representa-
 “ tives of the people. I own *I have wished*,
 “ and I own, with a heart as loyal as the loyal-
 “ est, that *I shall continue to wish, that an in-*
 “ *fluence of this kind may be diminished*; it may
 “ contribute to keep a prime minister in his
 “ place,

“ place, contrary to the sense of the wisest
 “ and best part of the community ; it may
 “ contribute to keep the King himself un-
 “ acquainted with his peoples wishes ; but it
 “ cannot do the King or the State any service.
 “ To maintain the contrary, is to satirize his
 “ Majesty’s Government ; it is to insinuate
 “ that his views and interests are so disjointed
 “ from those of his people, that they cannot
 “ be effectuated by the *uninfluenced concurrence*
 “ *of honest men*. It is far beneath the cha-
 “ racter of a great and upright monarch, to
 “ be suspected of a design to carry any plans
 “ of government into execution, in opposi-
 “ tion to the sentiments of a free and en-
 “ lightened parliament ; and the minister
 “ who should be base enough to advise him
 “ to adopt such an arbitrary system of govern-
 “ ment, or should supply the corrupted
 “ means of carrying it on, would deserve
 “ the execration of every man of integrity,
 “ and would probably, sooner or later, meet
 “ with the deserved detestation of the prince
 “ himself*.”

Wisdom, Sir, is as far removed from that
 blind obstinacy that opposes every change,
 as from the childish weakness that would
 be perpetually changing. The enlightened
 statesman is neither an admirer of novelty

* Letter to the Archbishop of Canterbury, p. 10, &c.

because it is new, nor a worshipper of antiquity because it is old. He is characterized by that *discriminating* mind, which discerns what ought to be preserved, and what it has become fit to alter. He is not satisfied with the support of *numbers*: he aspires also at having the *weight of reason*. He has learned in the history of mankind, the great uncertainty of government by *mere power*. He labours, that, if possible, there shall not be one man of sense in the State, who has just ground of complaint or discontent with his measures. He watches the progress of society. He meets public opinion half-way, and does not wait till it force him into measures.

It is the want of this enlargement of mind—it is the incapacity to discern the *signs of the times*, that have occasioned the misfortunes of so many governors and princes as we read of in history. It was to these causes that the misfortunes of Charles I. were owing. That weak, but well-meaning prince, thought it a sufficient defence of his arbitrary measures, to alledge, that his predecessors had commonly done so before him. And if Mr. Burke had been his Minister, he would have been furnished with store of precedents to support these assertions. Mr. Hume seems to have approved the plea, and labours to aggravate the
despotism

despotism of Henry VIII. and Elizabeth, that he might diminish that of the Stuarts. This was not worthy of his usual sagacity. The stretches of power exercised in early ages, when men knew not their rights, or were unable to protect them, furnish no argument, either *de jure*, or *de facto*, for pursuing the same conduct in more enlightened times. Charles I. would have reigned peaceably, and, I believe, been counted an excellent prince in the age of Henry VIII. ; but his maxims of government were utterly incompatible with his own age. He would have had darkness to govern light, and perceived not that the light had already chased away darkness. The men of his times had even outrun their æra, in their principles respecting Government while the mind of their Governor was a hundred years behind it. Hence the disasters of Charles. *Hinc illæ lacrymæ* *!

If Governors would know the secret of rendering their Government firm, and their situations tranquil, let them respect *public opinion*, and watch its progress. I do not

* Since I wrote this, I have seen that some similar ideas had occurred to Mr. Burke, and are stated by him in his speech on the Reform of the Civil List, which I have already quoted some passages from. But this was Edmund of other days.—
Tum veræ voces.

mean the opinion merely of numbers, the predominant opinion of uninformed multitudes, who may be said to have no opinion, because they have no *principles*, and consequently no *fixed* opinions; but I mean the opinion of the reflecting and enlightened part of the community. The opinion of others can afford no stable basis for a governor to rest his authority on, because it has no stability in itself.

All governments are tranquil when they accord with the state of society*, when they are adapted to the ideas and light of the age. Then the vessel of the State sails calmly on, borne along by the stream of public opinion. But whenever their regulations become antiquated, unfuitable to the ideas of the times, and contrary to the opinion of the well-informed and reflecting part of the community, trouble immediately arises. It is vain to hope to stifle this by violence. Violence only inflames it more. It is vain to attempt elaborate defences of absurdity, as Mr. Burke has done. These defences only

* “ Government—ought to conform to the exigencies of
“ the time, and the temper and character of the people with
“ whom it is concerned.”

BURKE—*Letter to John Farr and John Harris*, p. 58.

awaken the attention of the public, and bring forth triumphant refutations.

The true, the wise and genuine policy of governors in such a situation, I mean when they find a number of the best informed men in the nation complaining of various regulations in the Government, is to look into them, and see whether there be really any ground for such complaints. If there be, the sooner they are removed the better. This is the road to tranquillity—this the mode of rendering Government firm. They are mere flatterers—they are indeed *traitors* to men in power, who advise them to keep up abuses, for fear of innovation, and to preserve their government firm.

Rien ne beau que le vrai, said a great Critic in matters of taste; *nothing is stable but what is sound*, I will say in matters of government. All attempts to support what is rotten in itself, to treat diseased constitutions as if they were healthy, are absurd, preposterous, and must ultimately be unsuccessful. The truth will come out in spite of all efforts to suppress it. Fire and faggot could not destroy Protestants in religion, nor will the severest laws of libels prevent reforms in Government. They only ward off the blow a little, but increase and *ensure* its ultimate effect.

If

If Mr. Burke could have hoped to persuade sensible men of what he formerly has argued against himself, that all is right with us, and that there is no need of any change whatever, the publication of his late book would then have been a wise measure, and have really tended to promote peace and tranquillity, and to strengthen the hands of Government. But if, on the contrary, he has had no success in persuading any body who was discontented before, or if the magic of his language, though it overpowered the judgment of some at first, will have only a temporary effect, and produce no lasting conviction, it is evident that he will rather injure than promote the cause he meant to serve; and it would have been wise in those gentlemen of Oxford, who sent him a letter of thanks, to have saved themselves the trouble, as they will in the long-run derive no advantage from his efforts.

The *grasshoppers*, Sir, were inhabiting the same field in tolerable quietness along with the *great cattle*. (The phraseology is not very delicate, but it is Mr. Burke's.) A few indeed who felt themselves encroached on, whose toes had been bruised, or their limbs trode upon by the *great beasts*, were *chirping* a little; but the multitude, finding themselves pretty comfortable,

comfortable, and fearing even beyond reason the consequences of attempting a change, were paying little or no attention to the grumbling few. This might have gone on for a long time. The public mind had in a manner become torpid; and the glorious names of *Liberty*, *Freedom*, the *Rights of Man*, so often repeated, died away like empty sounds on the lethargic ear. It is not easy to say what could have produced a change in this state of things, except such a book as Mr. Burke's. He, counting it as nothing to have all the great beasts on his side, if there remained a single grasshopper to chirp out of a bush against him, cast an eye of indignation on this small party, driven into a corner of the field, and rising up full of wrath and fury, fired a cannon amongst them, to disperse and terrify them all into silence. Preposterous policy! the discharge of this great gun has been to them only the signal for rallying: they consider it as an open declaration of hostilities on his part, and that of all the great beasts that shall adhere to his counsels; and now their numbers are increasing, and they are chirping louder than ever they did before.

To be serious, I have heard more talk about government, more discussion of the Rights of Man, more *sedition*, in Mr. Burke's sense of the

the term, since the publication of his book, than ever I heard in all my life before.

The people of England had no need of Mr. Burke's book to prejudice them against the French Revolution; they were sufficiently prejudiced before it. Ninety-nine out of a hundred, having access to no better source of information than the newspapers, which in general have been filled with misrepresentations, were persuaded that matters were going on very badly in France; that all was riot, confusion, and bloodshed there; and they would have long continued to hold that notion; for though books had been published to undeceive them, few would have taken the trouble to read them. The affairs of foreign nations have little interesting to the majority of men; and the good people of England, but for Mr. Burke, would have been still going on thanking Heaven, that while there was nothing but war and trouble in France, all was peace and quietness in England.

From this state of tranquil unconcern, Mr. Burke has roused them by his ill-judged efforts to plunge them deeper into it. By connecting the affairs of France with matters at home, he has awakened the curiosity of the public, and given to the subject an interest that it never had before. His efforts to overcharge the
picture

picture of the evils of France have already diminished the effect of it. Near twenty answers have already been published to him, some of which have reached a third edition, and the meanest of them will be read by a good many people. In these the facts are stated as they really are; and as men will find out, that on the one hand the evils were not so great as he paints them, and on the other, that there was a great deal of good of which he says nothing, they will begin to believe that he has led them into a deception; and the discovery of this will prejudice his opinion, more than all his arguments have served it.

A very sensible man observed to me, that according to the present Law of Libels, Mr. Burke might very properly be prosecuted for a libel, because his book tended *to disturb the peace of society*. The observation was certainly just. If a man abuses either myself or my friends publicly, if he holds us forth to contempt and *execration*, we will unquestionably be excited to make reprisals. If a man let loose his over-heated imagination, and accuses others of being plunderers, confiscators, atheists, and even murderers, they may be stimulated to retaliate, by calling him court-flatterer, turn-coat, toad-eater, knave, pensioner and slave. Thus a war of abusive

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epithets

epithets and malignity is begun, which troubles the peace of society, and often produces dreadful consequences. Mr. Burke says, We have prisons almost as strong as the Bastille, for those who libel Queens of France. What if the National Assembly should send over a requisition, sanctioned by the King, demanding satisfaction for a most atrocious libel against the members of its own body, who have at present the actual government of the country in their hands? No one could be surprized at their doing so. But Mr. Burke may rest tranquil. This is not their manner of proceeding. His book was never noticed in the National Assembly, except once, in a generous and dignified manner by Monsieur de Mirabeau, in his speech, January 28th last, on the augmentation of the army; when he cautioned the Assembly not to suppose the English nation hostile to their liberties, on account of the publication of one man, whom every person that admired great talents was afflicted to find “amongst the superstitious detractors of human reason*.”

Although the reflections on the French Revolution contain the most excessive abuse

* See the part of the speech which relates to England, Appendix, No. XL.

of the whole proceedings of the legislative body; and although a new government, from its want of firmness, might well be excused for using greater severity and strictness than others have any sufficient apology for; yet Mr. Burke's book was permitted to be translated, and published in Paris, and all over the kingdom. There is no instance in which the French legislators have departed from the dignity of their character. They have never stopt the publication of any work against themselves, except when it directly called the people to arms, and expressly invited them to murder and bloodshed.

The fame of Mr. Burke's name occasioned his book to be much read in France; but it produced little effect there. The arguments of it were not new to the French. They had almost all appeared before in the aristocratic speeches and pamphlets.

Harmless as he thinks it, he has not persuaded one patriot that the Bastille should be rebuilt. Indeed it could not be expected that his eloquence would do much in France, where it must be read in a translation. *Logic* is translatable. *Reason* is the same in all languages; but who can transfer *mere declamation* into a foreign tongue, without losing the spirit

and consequently the *effect* of the original. Who can translate “*the unbought grace of life?*” a phrase to which no clear idea can be affixed ; or—“proud submission?” an expression that contains a contradiction. A man may be *proud of submitting*, as he may be proud of disgrace, and glory in his shame ; but the *act* of submission itself implies *humility*, and can have nothing in it of *pride*. After such *incongruous conjunctions*, such *uncoalescible coalitions* as these, if I did not know Mr. Burke’s principles, I should suspect he had a design to lead us into farther paradoxes, and that on some future occasion we should hear him talking, like Bayle, of *square circles*, which might possibly exist in some of the planets, though we had none such in our globe *.

“Scarcely had the reports of our Revolution been circulated in Europe, when Mr. Burke declared himself one of its most implacable adversaries. It was amidst the Representatives of a nation, whose glorious example we followed, that he denounced us to the universe

* The following account of Mr. Burke’s book by a French journalist, contains much good sense, and will enable you to form an idea of the sentiments of intelligent men on the Continent respecting this publication.

as a people at once the most erring and most culpable. At the same time our Revolution has found in England eloquent defenders. This has only served to heighten the indignation of Mr. Burke. He thought he saw his country in danger, and has written a book, in which he has been less anxious to justify his hatred, than to express all its violence.

“If it be for his country that he writes, if his end have been to maintain its tranquillity and concord, why does he already diffuse the most gloomy distrust of those of his countrymen, whose sole crime has been that of applauding our labours, and hoping for our success? Is he not aware, that the surest way to furnish a rising party with nourishment and strength, is to oppose it with violence?

“If Mr. Burke write for the French, if he have been desirous to recal us to a moderation of principles, to a gentleness of sentiment, which he reproaches us with having lost sight of, why does he seem wholly attentive to irritate our fatal divisions? Why does he seek to maintain in a party, whose resistance has aggravated every evil, a culpable revenge, and a senseless hope? Why dares he impute to the opposite party, the combined plan of all

the excesses, and of all the crimes, that have burst forth in France, at the moment she was breaking her chains?

“ If Mr. Burke have written with a view to make us respect a Constitution, which has been too long the object of our wishes, to become so soon the subject of our disdain, why does he not confine himself to the explanation of all its springs, to the demonstration of its harmony? We are proud enough to believe, that we live in an age when public spirit dares to do more, than in those ages in which the English Constitution was formed and perfected.

“ Let Mr. Burke employ himself in shewing us what would be the best system for the liberty of a great nation, and we will no longer count him amongst our opponents, but amongst our masters. We will ever feel a pleasure in giving this name to those who have so far preceded us in the conquest of Liberty, and in the principles of Government. We have much to imitate from them; perhaps they will also find something to imitate in our Constitution.

“ Mr. Burke, about twenty years ago, travelled into France, and she appeared to him happy: he saw her with an intoxication
which

which still acts upon his fancy. He beheld her still retaining the most precious remains of the spirit of chivalry, embellished by the arts, and tempered by a religion that had become tolerant, from the mild and beneficent manners of its Pontiffs. It is very natural for a man who saw France in such a light, to detest a Revolution that has so cruelly broken the enchantment. We will not consider this manner of seeing as a crime in Mr. Burke; but he should also excuse those, whose *cottages* he probably did not visit, from giving themselves up with him to these amiable illusions.

“ Mr. Burke accuses Philosophy : her reign is yet too little advanced; unhappily it is still too far from being confirmed to incur the imputation of much excess: the reign of Politics, on the contrary, is ancient, and History accuses it with the misfortunes of the Universe.

“ Such is the aversion of Mr. Burke to metaphysics, that he disdains even to employ that *analysis* they prescribe, that *methodical progress*, which has conducted several of his illustrious countrymen to immortality, by the discovery of the most useful truths. He abandons himself to his imagination, and to the movements

of his heart, where humanity certainly reigns, but where also passion has made a firm settlement.

“ It is with governments as with individuals; they are on the point of going wrong, of being corrupted, when they believe they have attained perfection.

“ The aim of Mr. Burke’s work is not only the most cruel censure of our Revolution, it is equally the censure of all the Revolutions that can be attempted, of those especially of which the people shall be the instrument or the object; of those above all, in which they shall dare to recognize the rights of man.

“ We cannot, without entering into too long a discussion, give an account of the arguments which he opposes to our *Declaration of Rights*. The bane of States, according to him, is metaphysics. The Declaration of Rights, ill understood, may furnish, without doubt, pretexts for excesses to a fanatic and bewildered people; but the principles of Mr. Burke, ill understood, are capable of furnishing much more dangerous pretences for the tyranny of Sovereigns.”

Journ. de Paris, Dec. 23, Supp.

When

When the accounts of Mr. Burke's abusive speech against the French Revolution reached us in Paris, M. Neckar, who was always a moderate man, and had at that time some private reasons not to be enthusiastic in favour of the National Assembly, remarked to me, that Mr. Burke, though a man of great abilities, was very apt to be too hot (*trop échauffée*) on any subject he took up. The Duke de la Rochefoucauld said more plainly, that it was not the speech of a Legislator, nor of a Philosopher, but of a man in a pet, or who had received some personal affront from the National Assembly.

That the French Revolution should have been misunderstood by the weak, the thoughtless, and superficial, who constitute but too great a portion of mankind; that this immense event should have been ill appreciated, by men who neither possessed acquired learning to judge of the past, nor vigor of intellect to anticipate the future—that it should have excited the hatred of bigots, or the contempt of triflers, and the *fruges consumere nati* of human society, was what I should have expected. Nor was I surprized to find *some* men of superior sense and uncontested discernment, who, immersed in the occupations of

of business, and viewing the French Revolution only through the faithless medium of newspapers, had formed an unfavourable opinion of it;—but that a politician and a philosopher should so judge, that a man grown old in the observation of political business, and the affairs of nations, should so far mistake the matter—that a *master in Israel* should not know these things, was an event so extraordinary and unexpected, that when I first discovered it, I was stupified with astonishment. How shall the Friends of Freedom reply to an attack on the rights of mankind, subscribed with the name of Edmund Burke? Were it not for the pernicious effect on society, to whom they owe the first regard, they certainly would have observed a sorrowful silence, and only answered by an *Et tu Brute!*

Alas, how is the gold become dim, and the fine gold changed? What can I say of this celebrated character, but what his friend Goldsmith said a considerable time ago:

“ For the Universe born, he has narrow’d his mind,

“ And to party given up what was due to mankind.”

For my part, Sir, I believe the French Revolution to be the greatest and most glorious
event

event that ever took place in the history of the world. It is the only revolution that has *completely* respected the rights of mankind. It is the only revolution that is likely to change the object of ambition amongst men, and to convert it into an emulation of superior wisdom and virtue, instead of a lust of power and conquest. I believe that in process of time it will enlighten the darkest corners of the globe, and diffuse every where the salutary rays of freedom and happiness. To arraign such a revolution is, in my opinion, to plead against mankind; it is to involve one's-self in the *crimen læsæ majestatis generis humani*.

I shall conclude this letter, which has swelled much beyond my intention, with a few remarks applicable to ourselves.

Those who have a rational love for their country, the wise as well as affectionate sons of England, may deduce important advantages to her from the French Revolution. But it will not be by imitating Mr. Burke in an indiscriminate abuse of the French legislators as fools and madmen. It will not be by censoring, upon newspaper information, measures which they do not understand. It will not be by indulging national vanity, and condemning without examination every thing done in France,

France, that differs in the smallest degree from the regulations in England, as if we had seen an end of all perfection, and the whole rational creation of God had nothing farther to do but copy our infallible example. It will not be by vague and unmeaning assertions, that “*They have gone much too far!*” when we neither know with any kind of precision how far they have gone, nor where they stopped, nor why they went so far. No, Sir, it is not by these petulant, superficial and conceited censures, that we shall either prove any rational attachment to our country, or do her any real service. But if we would shew a zeal joined with knowledge for England, let us inform ourselves with care, of the proceedings in France, from the journals of the Assembly and other authentic documents. Let us study with attention and candour, the progress of their constitution, the reasons and grounds of their measures. Their errors, where they have erred, let us avoid; their follies, if they have at any time acted foolishly, let us keep clear of: but if they have done any thing wisely, let us copy it. If they have surpassed us in any thing, let us fairly own it, and do our best to keep up with them. *Fas est et ab hoste doceri.* Our superiority, whether

whether in commerce or in government, must be supported by the same means it was originally attained; by exertion, industry, and watchful attention to the improvements made amongst our neighbours. If the French have given us any lessons, let us not be too proud to profit from them. Truly he must be a very ignorant or very prejudiced judge, who will not allow that they have given lessons, not to us only, but to Europe. To every real British patriot, therefore, my advice is, "Study the French constitution." I may be in a mistake, Sir; but this is my way of manifesting patriotism—this my mode of proving my love to England.

I am, with sincere regard,

Dear SIR,

Your's, &c.

No. 16, CATEATON-STREET,

January 1, 1791.

LETTER

L E T T E R II.

The Necessity of a REVOLUTION *in* FRANCE.

DEAR SIR,

THE French Revolution appeared to distant spectators, the work of a moment; and reflecting men were scarcely able to place confidence in a change, which, as they thought, had been so sudden. They were not aware, that it had been preparing for a century before, and that every year the principles on which it is founded were slowly and silently gaining ground in the nation. All the popular writers in France, *Montesquieu* *, *Voltaire*, *Rousseau*, *Raynal*, and *Mably*, contributed in different ways to diffuse the principles of liberty, and the rights of men. These writers were in every man's hands; and it was impossible that those who read

* This excellent writer went a great way, considering his age, and that he lived under an Arbitrary Government, when it was impossible for him to publish all that he thought. Mr. Burke, and the Aristocratic Party, are fond of referring to his authority,

read and admired their sentiments, should not be led to abhor the system of Government established in the country. Accordingly there were many in France who foresaw a Revolution approaching, and some of them even predicted it.

An ingenious French writer has made an assertion, which is more paradoxical in appearance than in reality—that there was no Revolution in France in 1789: that what then happened, was only the closing scene of a Revolution that had been the work of an age. He adds, that those who call for a Counter-Revolution, resemble that Lady, who coming to the Observatory at Paris to see an eclipse, after it was over, comforted herself by saying, “M. de Cassini will soon begin again to oblige his friends.”

In place of wondering at the Revolution happening in France, the only wonder with

authority, but in a very singular manner. Overlooking the circumstances above-mentioned, they are always arguing from what he did *not* say; as if, because he did not *then* say it, he would not have said it now. According to them, Montesquieu, if he had been now alive, would have been amongst the refugees; whereas I think nothing is more evident, than that he would have been amongst the firmest supporters of the Revolution. An excellent pamphlet has been published lately at Paris, “*De l'autorité de Montesquieu*,” by M. Grouvell; to which I refer the reader.

me is, how a people in such an advanced state of civilization, and so highly enlightened, could so long put up with such an arbitrary and wretched system of Government. The humane and liberal spirit of the times had indeed softened the features of despotism, as well as in some degree weakened its power. It was not possible to commit flagrant acts of oppression, nor to repeat them so often as in former times; but all the instruments of oppression still existed*, and things were still in so bad a state, that it is astonishing how the nation supported it. When the *Great Bastille* was demolished, not many prisoners were found in it; but it is to be recollected, that Paris had no fewer than thirty-five little Bastilles, or private prisons, whose existence was unknown; though a respectable judge,

* They brought away, say the electors of Paris, from the Bastille, the ancient *arms*, frightful by their strange and murderous forms—the *chains*, alas! too often stained with blood—and the *shackles*, many of which were worn down by daily rubbing. We were chilled with horror at the thought of the many multitudes they must have tormented. “I saw, “I touched,” adds the reporter, “that old corselet of iron, “invented to retain a man by all the joints of his body, “and to reduce him, like Theseus in hell, to an eternal immoveability. The Hotel de Ville is now in possession of this “master-piece, worthy of the Furies, of Phalaris, or Cacus.”

Dufaule Insurr. Par. p. 99.

and a worthy man, (M. Freteau) assures us, that in 1779, they contained more prisoners than the great prisons of the *Chatelet* and the *Palais*.

And what I think was still worse than its tyranny in the ancient government of France, because the effects of it were still more destructive to morals, was its corruption and its venality. From the highest to the lowest degree of it, all was a system of favouritism, instead of justice. Talents and abilities were nothing without interest, and the skill of flattering others. Books were written *sur l'art de plaire*; that was indeed counted the greatest of all arts. Hence no man reckoned upon success in any case from his *deserts*, but looked to the *favour* he could acquire with the Great. Hence no man trusted to the goodness of his cause, but to the *protection* of some individual more powerful than himself. Hence honour, principle and manly spirit were destroyed, and the nation became a people of flatterers and hypocrites.

It was my intention to have written one letter on the *origin* of the revolution, and to have delineated at some length, the causes that immediately produced it. But as Mr. Paine, in his answer to Mr. Burke, intends to under-

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take this, I shall content myself with referring to his account of it, which I am certain will be accurate and satisfactory.

Let us pass then to the revolution itself, and the first question that occurs is, "Was it necessary?" Mr. Burke answers in the negative: According to him, nothing was wanting but a *reform* of some abuses, which he does not seem to think very important; and this *reformation* might have been obtained without a *revolution*.

This is precisely the opinion of Monsieur de Calonne*, between whom and Mr. Burke there is so strong a similarity in a number of striking instances, that no doubt can remain in the mind of any reader, that the latter, either by conversation, or some other mode of communication, had profited much from the labours of the former. He has indeed drawn his leading ideas from that source.

As therefore they are so intimately connected, I shall generally keep them together; and though I have not leisure to reply *completely* to either, I shall however endeavour to answer the principal objections in both.

Periculosum est in limine offendere. M. de

* Pref. p. x. *et passim*.

Calonne appears to me to have stumbled in the threshold of his undertaking. His title-page struck me at first reading, as extremely faulty and incorrect: "*De l'état de la France present et à venir ;*" Of the state of France *present* and *future*. Here is a most astonishing omission. Nothing is said of the *past* state, although it was the cause of the *present*; and all that exists *now*, in order to be rationally judged of, must be taken in its connection with what had existed *before*. Monsieur de Calonne resembles an ignorant or malevolent spectator, who had been present at the amputation of a limb, and should go abroad in the world defaming the surgeon, expatiating on the pain of the operation, and the future lameness for life it would produce, without hinting a word of the previous *mortification*, what rendered the amputation of the limb absolutely unavoidable.

This man, Sir, had talents to have accomplished a great and favourable change in the state of public affairs in France; and if he had been possessed of less abilities, the connections he had formed with various able, worthy and opulent citizens, would have enabled him to surmount many difficulties. But, instead of reforming, he abandoned him-

self to the corrupt system already established : And when he could no longer sustain his character, nor conceal his prodigality, he fled to London, and there, it is reported, recommended himself to the favour of men in office, by betraying the secrets of his country. To quote such a man as an authority, Mr. Burke would have deemed a disgrace at any period, except this hour of enthusiasm;—but he abused the French, and that was enough to wipe away every stain.

M. de Calonne, you must know, Sir, although he has shewn himself so hostile to the chief principles of it, is vain enough to conceive that he will be considered as the *author* of the revolution*, as if his advice to call the Notables together, when he could no longer go on without them, were any proof of his being a friend to the principles of Freedom ; or as if his applying to the people for fresh supplies of money, which the prodigality of the ancient system, continued or increased in his own administration, had rendered necessary, were any proof that he either intended or wished for a revolution, which he evidently did not foresee before it happened, and does not approve now that it has come to pass.

* “ *Dont peut-etre je serai reputé la cause premiere.*” Pref. p. ii.

It is true he proposed some reforms in the government; but what was the object of them all? only to *facilitate the raising of money!* Reforms that tended to promote this, he was willing to have; but as to others, he did not trouble himself about them. *Rem, rem, quocunque modo,* was his maxim.

That M. de Calonne is a man of abilities, I do not pretend to dispute. But abilities alone are not sufficient to inspire confidence. Where integrity is doubtful, they only serve to increase distrust. I will go a step farther—I believe that Monsieur de Calonne's intentions were not bad. I am far from regarding him as that monster of iniquity, which I have heard him represented by some of the *Enragés* of Paris. If the public treasury had been full; if he could have supported with ease the luxury and splendour of the ancient court; if he could have afforded to have given the Queen, or M. de Artois, a douceur of half a million now and then, I believe he would have made a good minister, been desirous of studying the welfare of the people, and actually promoted some useful reforms. But he was not a minister fit for the times. His philosophy was indulgent, when it should have been severe; his resolution was too feeble to resist the

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allurements

allurements around him, and he gave way to the softness of the Epicurean system, at a moment when nothing could have saved his country but the most inflexible adherence to the manly and severe virtue of ancient Stoicism.

With respect to this *great book* which he has published against the revolution, it is evidently intended as an *apology for himself*, and to preserve his chance of success in the hopeless lottery of a counter revolution. Although it must be granted to be a more solid work than Mr. Burke's, yet I can assure you it has attracted no notice in France. A judicious Critic, in the Gazette Nationale, observed, that such a book might easily have been formed by any body, who would take the trouble of making extracts from the opinions of the *minority*, and as easily answered by another series of extracts from the opinions of the *majority* of the National Assembly; and he dismissed it without further notice, to be read at Turin, where it is evident it will be read to no purpose.

There is a mode of refuting M. de Calonne and Mr. Burke, which I believe would be very effectual; but it is the task of a man of learning and of leisure, much greater than I have any pretensions to. This is by shewing, that the present constitution of France is not

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an audacious novelty, but a glorious recovery of original rights; a restoration of the ancient system. I might recal these ages when the early inhabitants of France met in the *Champ de Mars* every spring, to elect their magistrates, deliberate on taxes, execute justice, and regulate the worship of the gods. I might even quote laws and usages of the age of *Charles Martel*, *Pepin*, and *Charlemagne*. But neither my leisure, nor knowledge of the ancient history of France, are sufficient to enable me to do justice to this historical argument.

I believe that a writer of great abilities in this country, has some intention to prosecute this part of the subject; and I wish much he may undertake it. I shall only add a testimony to the truth of the general idea, from one who will be allowed a most respectable evidence.

In Lord Sommers's pamphlet, "The Judgment of whole Nations," &c. an anecdote is mentioned of *Mezeray*, the celebrated historian, who, about the beginning of King William's reign, conversing with a person of quality about the difference of the Government in France and in England, broke out into these expressions: "*O fortunatus nimium!*" "*bona si sua nôrint Angligenas!*"—We had once
 " in France, the same happiness and the same

“ privileges that you have. Our laws were
 “ made by Representatives of our own
 “ chusing. Our money was not taken from
 “ us, but by our own consent. Our Kings
 “ were subject to the rules of law and reason.
 “ But now, alas! we are miserable, and all
 “ is lost. Think nothing, Sir, too dear
 “ to maintain these precious advantages;
 “ and if ever there be occasion, venture
 “ your life, your estate, and all you have,
 “ rather than submit to the condition to
 “ which you see us reduced!”

But, to proceed—Mr. Burke, who has not
 been in France for many years, and who
 appears to have drawn the information he
 received *here*, too frequently from suspicious
 sources, may really think that a Reforma-
 tion might have been accomplished in France
 without a Revolution; but there is no judi-
 cious observer, who has resided in the coun-
 try, and contemplated the state of it, who
 will assent to such an opinion.

From an attentive consideration of the
 former state of France, of the prevalence of
 ancient prejudices, and ancient habits, which
 can never be shaken off all at once, and still
 more from the dispositions and conduct actu-
 ally manifested by the various *orders* of men,
 at the summoning of the *Etats Generaux*, it
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is to me perfectly clear, that if the States had adhered to their ancient form, and continued to vote by distinct orders, the Reformation so much hoped and wished for, would have ended in a mere farce—nothing great or effectual would have been done ; even the disorder of the finances would not have been rectified, for each order would have struggled to have shifted the burden from itself, to place it on the shoulders of the others, till at last the magnitude of the evils on the one hand, and the spirit of party and contending factions on the other, would have produced universal confusion, and probably terminated in a civil war.

All parties indeed concurred in acknowledging the necessity of a change in the Government ; but each concealed under this general acknowledgment, a resolution to maintain the privileges of his own class or faction.

M. de Calonne himself furnishes us with a most striking proof of this, (p. 32), where he tells us, that he proposed a mode of levying the taxes equally in France to the *Notables* ; but they repelled it, because it destroyed their privileges and *exemptions*. The Marquis de la Fayette proposed, at a meeting of the same *Notables*, to abolish *lettres de cachet* ; but the Nobles,

Nobles, though they admitted that great abuses had arisen from them, contended, that in some cases they might be useful, and negatived the Marquis's motion. This is a striking fact, little known; and the whole subsequent conduct of the Nobility was analogous to it. If they manifested any desire to humble the regal power, it was only, or chiefly, in order to advance their own. Had their plans been adopted, the people would have exchanged the tyranny of Ministers, for that of an Aristocracy. But tyranny would still have reigned; and wise men might well have questioned, whether the second state would not have been worse than the first.

The Nobles indeed, when assembled again at the *Etats Generaux*, agreed to renounce their pecuniary privileges, and to grant other concessions to the people. But they had once refused these; and their agreeing to allow them afterwards, was merely the effect of constraint, not of choice or conviction. By their refusal in the first instance, when they thought they might venture to refuse, we may discover what was the real spirit that actuated them; and then we shall not, like Mr. Burke, and M. de Calonne, imagine that they grew generous all of a sudden, when

when the case only was, that they could no longer help being so.

Besides, the people of France had not assembled together at the States-General to ask or accept *favours* from the Nobility. They came to demand their *just rights*. They wanted not *concessions*, but *justice*; and they wanted farther to establish a *Constitution*, that should secure these rights to all classes of men for ever after.

A similar observation may be applied to a plan of reform which was given in by the King, at the Royal Session of January 23, of which some have made great account. Besides being inadequate, and expressly stipulating for the continuance of various abuses, such as the feudal and seignorial rights, tythes, the privileges of orders, &c. the very title of it was sufficient to pronounce its condemnation. It was termed, "*A Declaration of the Will of the King.*" Now, what the King willed to give to-day, he might have willed to take away to-morrow. For this reason M. de Lally objected to it, and said, it ought to have been entitled, "*Declaration of the Rights of the Nation, the King, and of Individuals.*"

This was by no means such a basis as the
liberties

liberties of a people could be founded on. The French nation demanded of their Monarch only what they had a just right to demand; and they would have been vindicated in refusing this, when offered in the form of *boon*, or a *present*.

From the very beginning of the Revolution, the private views of the different *orders* had roused the seeds of dissention. People demanded currently of each other, Are you for the *Noblesse*? Are you for the *Tiers Etat**? From the deliberations of these different classes, no harmony could be expected, because the authors of them were all at variance. Every one was jealous of the other.

A visible jealousy of the *Tiers Etat* was manifested in all the proceedings of the Nobles. They took every method to lessen the number of deputies of that order, in all the primary elective assemblies. The grand constitutional operations that were going on, were every where troubled and interrupted by an invisible cause, which occasioned astonishment to spectators in general, but which intelligent men saw to proceed from the baneful SPIRIT of ORDERS †.

* Seconde Lettre de M. de Lally Tolendal. App. p. 5.

† Hence it became a common saying in Paris, that, *Les Ordres etoient desordres*.

M. de Lally Tolendal himself is far from vindicating the conduct of the Nobility in all respects. He blames their jealousy of the *Tiers Etats*. He censures them for listening to flatterers, who deceived them respecting their true interests, instead of consulting the salutary, though severe, voice of Truth. He exposes their weakness in forgetting, that although they gained a point in their own chamber, it still remained to convince the nation of the propriety of it, and that until that was done, nothing was done*. When they proposed to send their arrêt for the preservation of the Three Orders, and the absolute veto of the King, to the Chamber of the Clergy, M. de Lally opposed it. "To whom, and against whom," said he, "do you design to shew your *firmness*? Are you not afraid that your words will soon be retorted on yourselves? What signify all your extravagant measures, who are but a single *class* of men? It is by moderation and

* This imbecility of mind was the inevitable result of the old system. It is natural for men to do every thing in the way that takes least trouble. Now it is far more easy to obtain our will by the easy way of *influence*, than by the laborious way of *exertion*. Men habituated to the former, will never think of the latter. Thus despotism debilitates and depraves the human mind, abates its natural energy, and makes it wicked, by first making it weak.

patriotism alone that you can conquer the distrust of the people*.” He deploras that want of foresight which prevented their seeing, that at such a crisis of public affairs, the very existence of the Noblesse depended upon the admiration and gratitude of the people; that in consequence, they could not support themselves any longer by force or intrigue, but must have recourse to disinterestedness and virtue. Nor was it, adds he, after all, a desperate situation, to be obliged to place our hopes of safety in that which was our honour and glory †.

At a private committee held by the King on the 26th of June, where *Monsieur*, the Count d’Artois, and all the Great Nobles were present; the Duke of Luxembourg, President of the Order of *Noblesse*, declaimed to the King in the most pathetic manner, against the union of the Orders in one Assembly. He declared that he came to make a last effort for the *cause of the Crown*; that if the States meet in separate houses, they would be obedient to the Throne; but if they were united, they would be omnipotent, and controul it. In whatever manner, said he, they are com-

* Page 27.

† Seconde Lettre a ses commettans, p. 21.

posed,

posed, they will have this absolute authority.

“ *Mais leur division en trois ordres enchaîne*
 “ *leur action, et conserve la votre. Réunis, ils*
 “ *ne connoissent point de maitre; divisés, ils*
 “ *sont vos sujets**.” He concluded his speech
 with a solemn declaration, that this was the
 only plan to save the power of the Throne:
 that the Noblesse would ever adhere to their
 Monarch; and if their Order suffered in his
 cause, “ *Elle sauvera l’indépendance de la*
 “ *couronne, et frappera de nullité les opérations*
 “ *de l’Assemblée Nationale †.*”

At length, says Monsieur Lally Tolendal,
 the danger became urgent. The Commons,
 irritated by contradiction, by the accounts
 given them of what passed in the conferences,
 by strange insinuations which brought forth
 all the seeds of discord, began to be carried
 farther than their own intentions. The No-
 blesse saw this, not with the firm wisdom of
 political courage, but with the violent passions
 of military bravery. There was danger, and

* “ But their division into three orders *fetters* their action,
 “ and preserves yours:—united, they know no master; divided,
 “ they are your subjects.”

† “ It will save the independence of the Crown, and stamp
 “ with nullity the operations of the National Assembly.”

it was to be braved ;—force was to be opposed to force, &c*.

Thus matters went on, until at last it came to a state of open war between the Orders. The King, according to his own declaration, “ remained *alone* in the midst of the nation, “ occupied in the re-establishment of “ concord.” He demanded peace from all the Orders; but each of them thought of nothing but to bring him over to their party, in order to combat the others with more success†.

This was the state of France, according to the representations of Mr. Burke’s own friend. And from these men, at war amongst themselves, Mr. Burke expected the peace, the tranquillity and restoration of the nation!

Such then were the *Nobles*, as an *Order* in the State, avowing an interest different from that of the people; endeavouring, by every method, to diminish the power of voting in favour of *exemptions*, *lettres de cachet*, and the *Bastille*; proposing a league with the Crown to support its despotism, in order that, in return, they might receive from it a similar support; and lastly, counselling the King to

* Page 31.

† Lally Tol. P. 33.

prevent the union of the orders, that he might retain a controul over all, and be able at pleasure to annihilate the power and proceedings of the National Assembly.

The *Clergy* were in a similar state, not indeed with respect to *numbers*, but from the effect of *influence*. A majority of them, poor and oppressed, earnestly desired a reform, and had no other interest than that of the people at large. But under the ancient system, they were accustomed to bow to the earth before their superiors. Their whole habits of life were formed to submission to the great Prelates, their whole hope of success depended upon their favour; they would have come into the Senate-house, trembling before their masters, and pronounced on every question proposed, only those answers which they dictated to them.

Thus was there a majority of two Orders against all effectual reform. The fact was manifest to every man of reflection in France; and therefore, the destruction of the Orders, the total unhinging of the ancient form of the Constitution, in other words, the *Revolution*, was deemed the first step towards the reformation of abuses; the only measure that could save France, and extricate her from

the complicated evils into which she was plunged.

It is impossible to review the ancient state of things in France, without being convinced that the abuses were too inveterate to yield to any *palliative*; that no half measure would have been effectual; that nothing but a total revolution was equal to the cure. They wanted amongst them, the very principles of a Constitution. Any good that existed, was owing to accidental circumstances, and was of a temporary and precarious nature. So far as the Government interfered, all was mischievous.

The Marquis de Sillery confirms this representation, in a short view that he takes of the former state of France, in his opinion *sur la permanence de l'Assemblée Nationale*, &c*. I shall just translate one passage from him.

“ The last reign (that of Louis XV.) offers
 “ nothing to our view, but the most shocking
 “ picture of ministerial power, eternally ac-
 “ tive and vigilant to oppose every regulation
 “ that could diminish its influence, and sacri-
 “ ficing the highest interests (of the people)
 “ to the most contemptible intrigues of the
 “ court—A General of the army (the Mare-

" chal d'Estree) receiving an order of recall,
 " in consequence solely of the caprice of a
 " mistress, in the midst of 70 standards of
 " the enemy, which he had taken possession
 " of (after the battle of Husteimbek)—a ri-
 " gorous inquisition—an eternal watching of
 " spies—that infamous Bastille, always filled
 " with the victims of arbitrary power,"
 &c.

Take this as one specimen of the ex-
 traordinary manner in which the ancient
 government abused and confounded every
 thing. When Louis XIV. created I may
 say the French navy, Seignelai got a law
 passed, that in order to serve at sea, it was
 necessary to be born *a gentleman*; and the
 maxim was universally received, that the fleet
 was solely designed to maintain the honour
 of the French King—not to protect the com-
 merce, or assist the merchants.

" Can humanity regret," says an able writer,
 " that iron age, in which a distressed and
 miserable people, benevolent and oppressed,
 adored their King, at the very time when, *in*
his name, their means of subsistence was torn
 from them; that age when an honest man
 could never say to himself, " I am in safety;
 the laws watch over me?" For, which of us,
 for twenty years past, would have dared to

have returned an answer to one who should have said to him—*To-morrow perhaps you will be in the Bastille* * ?”

Sabatier, the aristocratic journalist, who is surely a fair evidence to appeal to with respect to the evils of the ancient system, as he cannot be suspected of any design to exaggerate these, says, “If your Assembly had had any sort of genius, it would have said, at its commencement, to the King, and to the Nation, ‘Here is the debt! and here are our resources! You have called us too late—*Our bankruptcy took place long ago*—and we now can give you nothing but a Constitution.’ Then you would have left to the former Government the burden and the shame of this bankruptcy; and you would have marched with a firm and unincumbered step towards the Constitution †.” Thus a writer to whom I think Mr. Burke owes many obligations, has totally overturned one of his principal arguments.

The ancient laws which fixed the Constitution of the kingdom, if it deserves the name of Constitution, were scattered through a thousand volumes, many of them uncertain, many become obsolete; many controverted,

* *Revol. de Paris*, Introd. p. 11. † II. 268.

limited,

limited, or abolished, by arrets of Council, and other arts of arbitrary power. Mr. Burke would have had the Assembly, like a society of antiquaries, to sit down and waste half a century in poring over old charters, in examining *precedents*, to form some kind of regular system out of a mass of dust, contradiction, and confusion. This would indeed have been to respect *antiquity*, but at the expence of *utility*. It would have been to reform by ingrafting new principles on an old stock, but it would have ended in no reform at all.

So inveterate were the ancient abuses, so interwoven with the very existence of the ancient Constitution, that it was impossible even to know their source or extent without a total revolution. The agents of power trembled at the consequences of exposing to the people the atrocious secrets to which they were privy, even though they derived no advantage from them. How long had the Assembly sat, before any thing like an idea of the state of the finances could be obtained? M. Necker published his "*Compte Generale des depenses et des revenues fixes, au 1^e Mai, 1789.*" It was the best account he had the courage to publish, and far better than

any that had appeared before. But, does any man now consider that as a true account of the state of the public expenditure? Said it one word of the unaccounted millions of the *livre rouge*?

If it be argued, that the ancient system in France could not be so bad as some represent it, because the country on the whole flourished, and population increased, I will reply, that dreadful indeed must be that Government which, in a civilized kingdom, prevents the population of a country. Men increase by the laws of Nature, not by the laws of States. Civilization was highly advanced in France, and it obviated many of the effects of a bad Government. The Government had no share in augmenting the population of France. So far as its influence extended, it was hostile to it; but, bad as it was, it could not overpower the strong effects of natural causes. The Government made the poor man buy salt at three times the price it should have cost; and when he had it, the half of it was earth and dirt. The Government laid heavy taxes on him, and exempted the Nobles and Clergy, who were best able to pay them; and these exemptions were multiplying every day. It is true, great men cannot live
without

without poor men ; and therefore it was necessary for the grandees in France to keep the people *in existence*. But they paid them miserably little for their labour, and kept them in a state of gross ignorance, poverty and depression. They were deprived of the rank and dignity of man ; they seemed to exist only as *animals* ; “ the mind was slain amongst them.” Hogs propagate, and add to the number of their species. Population is great in Turkey. I never heard of any class of beings that did not increase their numbers, except the slaves in the West-India islands.

It may be added to these remarks, that the Government of France was not invariably nor anciently bad. Much of the prosperity of the kingdom was owing to its ancient state, and to the remains of original freedom. For it is a position never to be forgotten, that France was originally free. The influence of a good Monarch, or a wise Minister, served farther to check the operation of malignant causes. All I contend for is, not that there was not a great deal of happiness in France ; but that that happiness was accidental, precarious, uncertain ; and that the Government, at any rate, was not the cause of it. France was

populous ; France flourished, if you will ; but it was *in spite* of her Government.

Mounier declared in the National Assembly, that France had then *no* Constitution. He admitted that there were some good fundamental laws ; “ But notwithstanding
“ these valuable maxims, we have not a
“ fixed or complete form of Government :
“ We have not a Constitution, because all the
“ powers are confounded—because no boundary is traced out. The judicial power
“ is not even separated from the legislative.
“ Authority is dispersed ; its various parts
“ are always in opposition ; and amidst their
“ perpetual shocks, the rights of the lower
“ class of citizens are betrayed. The laws
“ are openly despised, or rather we are not
“ agreed what ought to be called laws*.”

In another place he says, “ Even those who
“ maintain that we have a Constitution, own
“ that we ought to improve and complete it.
“ Our objects are then the same,” &c.

Lally Tolendal will certainly be owned by Mr. Burke as a fair authority. Let us hear then his description of the state of France, in August 1778, a year before the Revolution ;

* Rapporté du Comité chargé du Travail sur la Constitution, p. 3. and 4. Procès Verb. Tom. I.

- “ The King was imposed upon.
- “ The laws were without men to execute them, and twenty-five millions of people were without judges.
- “ The Public Treasury was without funds, without credit, without any means to prevent a general bankruptcy, which was indeed only at a few days distance.
- “ Established Authority was without any respect for particular liberty, and without force to maintain public order.
- “ The People without any other resource than the States-General, and without hope of obtaining their meeting*.”

Mr. Burke has observed in a former publication, that *general* rebellions never arise without urgent causes; a whole people never rise up against their Government, unless it be excessively bad. This affords one of the strongest arguments possible to prove that a Revolution was necessary in France. For there never was, in any age or country, so general a rising up of the people against their Government, as took place there. The re-

* Discours a l'Assemb. Nat. Juillet 13.—See also the same sentiments fully expatiated upon, in No. 5. Bis of the Pieces Justificatifs, annexed to his 2d Letter to his Constituents.

cords of history afford no parallel to the French Revolution. The changes in other nations have been effected by the will of a few, often by that of a single individual. But where have we seen a whole nation of twenty-five millions of people, rise up like one man against their Government? Is it possible to conceive that a Government was good, or but slightly evil, which excited this universal resistance? I call it *universal*, for the distinction of *Patriots* and *Aristocrats* was not known at the beginning. Events require causes. What could have actuated this immense mass of men? Had they no motive at all? Were all classes, and all ranks, suddenly seized with a mere frenzy of reforming madness? Either this must have been the case, or a total revolution was necessary.

We seem now to have got some length. I flatter myself every disinterested reader will be convinced, that a *radical reform* was necessary in France; and that such a reform could not have been obtained, if the ancient establishments of the kingdom, with all their old habits and prejudices, had been kept up. In other words—that it was necessary to destroy the ancient powers, and to form new ones, or—to make a REVOLUTION.

I firmly believe that the French Legislators,
when

when they first assembled, did not intend to make so total an alteration as they have since done. The conviction of the necessity of so great a change, as well as the belief of the possibility of executing it, grew out of the farther experience they obtained. It was soon perceived, that a *partial* reform would produce but a *temporary* remedy to the evils *. They saw that if the ancient establishments remained, they would still *fetter* the minds of their countrymen; the same habits of oppression and controul, on the one hand, and of servility and subjection on the other, would still continue; the genius of France, enchained for ages, would still remain in captivity. Nothing but the destruction of the ancient forms could let loose the imprisoned mind, or give the citizens the character and fortitude of a free people.

Hence all reflecting men, and amongst them Lally Tolendal and Mounier, Mr. Burke's great oracles, were zealous for the annihilation of the ancient orders. Even those who wished to model the Constitution after that of England, and to create a new

* See the Assembly's own remarks on this subject, in their first and second addresses to the people, Appendix, No. XVI. and XXIII, two very interesting papers, which I recommend to the reader's careful perusal.

House of Peers, nevertheless concurred in desiring the destruction of their own Parliaments, and the abolition of the privileges of the Clergy and Noblesse.

It is therefore egregious trifling in M. de Calonne to spend a great deal of time, as he does, in proving that the Assembly exceeded the powers delegated to them by their constituents. Every man of sense must see at first view, that their constituents could not foresee, any more than themselves, what it would be requisite to grant, or what the new and arduous scene they were going into might render necessary for them to do. If the Assembly departed from the *letter*, they preserved the *spirit* of their instructions. They were to act *for the best*; and they did so. Their constituents pointed out all that occurred to them at the time as good, and left them, as to the rest, to be instructed by circumstances.

It would, says an able writer*, have been supposing the French nation deprived of all reason, to have imagined, that when they had *no Constitution*, they should have established a body of representatives, without giving them the power to form one. The

* M. de Condorcet, a name well known, nor less respected in England.

instructions must have contained an express and absolute prohibition of this power, before one could have made a supposition so injurious to the nation.

We are sent, said M. Thouret*, to establish a Constitution; and to establish a Constitution, is, *in our situation*, to RE-CONSTRUCT and to REGENERATE the State. As there would be no regeneration if nothing was changed, so there would only be a temporary and trifling one, if the changes were limited to mere *palliatives*, and left the radical causes of the evils unremoved. Let us renounce the task of forming a Constitution, if we have not courage to form a *complete* one.

To establish a Constitution, is to labour for ages unborn—it is to raise an edifice, that, if possible, shall not stand in need of repair or alteration. It were better not to attempt this great enterprize, than to leave it imperfect and insufficient. It would be equally absurd to proceed with inconsiderate rashness, or, at this *favourable moment*, to neglect the opportunity of sowing all the seeds of public prosperity, even such as cannot be expected to spring up and bear fruit for a long time.

The same language was universally held: The Assembly made no secret of their inten-

* Discours sur la nouvelle divis. territoriale du royaume, P. IV. tom. 6.

tions. They apprized their constituents of every step they were to take*. “ A National
 “ Constitution is demanded, and expected of
 “ us by our constituents (said the Arch-
 “ bishop of Bordeaux, in the name of the
 “ Committee of Constitution, July 27, 1789);
 “ and the events that have occurred since
 “ our union, render it every moment more
 “ pressing and more indispensable.” This
 was published over all France, and all France
 acquiesced by silent consent, or open appro-
 bation. “ Hitherto (continued he) this great
 “ and noble empire has been the victim of
 “ the confusion and indeterminateness of
 “ different powers. The transient intervals
 “ of prosperity have been only the result
 “ of the character or personal talents of our
 “ Princes, or of their Ministers, or of other
 “ accidental circumstances, which the vicious
 “ nature of our Government could not hinder
 “ from operating.”

That no one might be taken short, or de-
 ceived, respecting the designs of the Assem-
 bly, they appointed the Committee of the
 Constitution to draw up an analysis of the
 instructions of their constituents, respecting

* Indeed at the very commencement of their labours, and before the Bastille was taken, they had announced their design of forming a *new* Constitution. See the admirable Report of Mounier, Appendix, No. V.

these subjects; and it was read on the same day, July 27, by Count Clermont Tonnerre. —From this enquiry it appeared, that the instructions were not uniform; that some recommended the formation of a new Constitution—some a reform of the old one; but that the difference was rather in appearance than in reality, since all empowered the Assembly to do what they found necessary, to rectify abuses, and give France a free, regular, and fixed Constitution. The Committee therefore concluded their report with saying to the Assembly, “It is in your power, Gentlemen, to give France a Constitution, and the King and the people both demand it of you,” &c.

These honest and undisguised declarations of their intentions, were printed and circulated every-where: Not a voice uttered a remonstrance; addressees of approbation, adherence, encomium, poured in from every quarter. Even the Court were of this opinion; for the King, in his declaration concerning the present States-General, of June 23, 1789, declares, Art. iii. that he breaks and annuls all restrictions of powers, which, by cramping the liberty of the Deputies, would hinder them either from adopting the forms of deli-

beration,

beration by Orders separately, or in common by the distinct voice of the three Orders. And the 6th Art. is still more remarkable:
 “ His Majesty declares, That in the following
 “ sessions of the States-General, he will not
 “ suffer the *cabiers*, or mandates, to be regarded
 “ as *dictatorial* (imperatifs): they are only to
 “ be considered as *simple instructions, entrusted*
 “ *to the conscience and free opinion of the depu-*
 “ *ties who have been chosen.*”

Some deputies had recourse to their constituents for new instructions, and received answers to concur in the wishes of the Assembly. See the case of M. Perier, in Procès Verb. No. vii. p. 6.

You see then, Sir, that the aristocratic party have totally mistaken their measures. If they disapproved the conduct of the Assembly, they should have remonstrated against it, and not have led the Assembly into the deception of supposing, that the whole nation concurred in approving their measures. M. de Calonne pretends that they did remonstrate, and that their remonstrances were suppressed. This is the most ridiculous of all pretences. Did any one ever hear of a secret kept by twelve hundred men? They might have published their opinion to the whole universe.

universe. If ever the press was free, it is free in France. We want no other proof of it, than the free circulation of the M. de Calonne and Mr. Burke's books in Paris; and as to the influence of the *Cabiers* or Instructions, if they wished them to be authoritatively respected, why did they suffer the Monarch to set the example of breaking and annulling them? What a fatal precedent was this?—a single individual annulling the voice of a whole people! If *one* acted thus, what might not twelve hundred take upon them to do?

It is clear that the Assembly proceeded with the sanction of the whole nation, to form a new Constitution. The justice of my reasoning on this subject is confirmed by Mounier himself, in his *Considerations on Governments**, where he first shewed his aversion to what he called *democracy*, and his admiration of the British Constitution. Some persons, and amongst them the Abbé Sieyès (*Preliminaire de la Constitution*, Juillet 20, and *Declar. des droits de l'homme en Société* †,) having given as their opinion, that from the deficiency of the representation of the people in the present Assembly, or the want of power

* Proc. Verb. To. 3.

† P. V. To. 3.

perfectly adequate to such an object, the Constitution formed by them would be only *provisional*, and must wait the sanction of a new Assembly, before being *definitive*, Mounier attacks this idea very forcibly, and observes, “ They argue from the pretended defects of
 “ our present representation; but if it were
 “ true, that the representation had been defective in some points, is it not true, that it
 “ has become legitimate *by the consent of the*
 “ *French nation*? The prime character of a
 “ representation is certainly the confidence of
 “ those who formed it, &c. Is there a single
 “ district in the kingdom, where the inhabitants have refused or disavowed the representation; the instructions given to the
 “ members of the assembly contain every
 “ power required to recover, declare, or establish the fundamental laws of the constitution of France,” &c.

Mr. Burke censures the *double* representation of the *Tiers Etat*. Yet M. de Lally Tolendal owns, that the necessity of it could not even admit of a question. “ The double
 “ number,” says he, “ was presented to us
 “ at once by strict justice and sound policy.
 “ The interest of the Clergy is but *one*, the
 “ interest of the Noblesse *one*. The interest
 “ of

“ of the *Tiers* on the contrary, the interest of
 “ of the people, is subdivided into as many
 “ branches, as there are different professions
 “ and different modes of life, which belong
 “ to that immense multitude. Agriculture,
 “ commerce, jurisprudence, manufactures,
 “ arts, and trades, are all unknown to the
 “ Nobility and the Ecclesiastics. These ga-
 “ ther the fruits, these require the assistance;
 “ but it is the *Tiers* alone that performs the
 “ functions, that supports the labour, that
 “ contrives the means, that makes the advan-
 “ ces, and runs the risk of them. In an-
 “ other point of view, it was necessary to
 “ make the representation of the *non-privi-*
 “ *ledged* equal to that of the *priviledged* per-
 “ sons, &c *.”

As to the subsequent question, “ Whether
 the States should vote individually, or by
 orders,” M. Lally does not decide. He
 leaned to a middle plan; and at any rate he
 maintained that it belonged to the States
 altogether, and not to any one class of them,
 to decide this important question. Not
 having leisure to say more on this subject, I
 must refer those readers who wish to see it
 farther discussed, to an excellent pamphlet,

* 2de Lettre, App. p. 7.

published by a valuable citizen, M. Tenon of the College of Surgery, intitled, “*Démandes annexées en vertu d’une délibération au cahier du village de Maffy;*” where the plan of voting individually is ably and fully defended.

That no effectual reform, no permanent remedy to the evils that affected the kingdom, was to be expected from the States-General, on the supposition of their meeting and voting on the old system of *Orders*, was an opinion not confined to people in France, but common to reflecting men in every quarter in Europe. I remember to have heard a very intelligent man predict, that they would make a good deal of noise, and appear to be likely to produce some revolution; but that all would end in smoke, *as formerly*. And it was doubtless on similar principles that you were led to observe, in your History of the Public Revenue of the British Empire, that though it was impossible to foresee all the consequences of the meeting of the *Etats-Generaux* in France, yet “the probability is, that it will not add much either to the increase, or to the *liberties* of that kingdom.”*

* Part III. p. 232.

Mounier, in his elaborate defence of the royal *veto* *, is a striking evidence to the truth of my assertions. “It was in our power,” said he, “to have a constitution superior to that of England. It was easy for us to avoid the defects of theirs; such as the foreign revenues and powers which the king possesses in Hanover and India—their defective representation—their septennial parliaments—and the right of creating peers in an *unlimited* number. All the obstacles which stood in the way of liberty were destroyed; you had seen the abolition of *that cruel division of orders, which would have prepared for us the fate of Sweden*. There are no more humiliating distinctions—all places are free to talents and virtue—we have equality of punishment, and uniformity of laws,” &c.

What he thought of Mr. Burke’s idea, that by adhering to the ancient forms, the deliberation of the three separate orders, would have produced all the necessary reforms, we may conclude from another passage in the same report. “Shall we regret the time when the representatives of the clergy, of

* Motifs présentés dans la séance de l’Assemblée Nationale du 4 Sep. 1789, au nom du Comité du Constitution sur divers articles, &c.

“ the nobleſſe, and of the commons, ſum-
 “ moned at long intervals to furniſh ſubſidies
 “ to the Prince, preſented their requests and
 “ grievances, ſuffered themſelves to be inter-
 “ rupted in their right of deliberating by
 “ arrêts of council, left all abuſes untouched,
 “ fell into ſhameful quarrels amongſt them-
 “ ſelves, rivetted ſlavery in place of deſtroy-
 “ ing it, and abandoned their country to all
 “ thoſe calamities which they could deſcribe
 “ in their complaints, but of which they
 “ could not prevent the return. If ſuch an
 “ example can ſeduce us, *let us renounce the*
 “ *meeting of the States General*; it will be as
 “ uſeleſs as the former ones; it will be only
 “ another engine farther to oppreſs France.”

p. 6.

Unfortunately too for Mr. Burke, M. Lally
 Tolendal made a ſpeech in the National
 Aſſembly, July 13, which is ſtill preſerved,
 and contains many aſſertions directly contrary
 to his ideas. M. Lally ſpeaks of the jealouſy
 of the different Orders, and their deſire of
 continuing ſeparate, as inſtances of the weak-
 neſs of human nature—as things excuſable,
 but not commendable—as the dying remains
 of ancient prejudice and abſurdity. “ Dis-
 “ ons qu’il en eſt de l’agonie des prejugués,
 “ comme

“ comme de celle des malheureux humains
 “ qu’ils tourmentent; qu’ au moment d’ex-
 “ pirer, ils se reaniment encore, et jettent
 “ une derniere lueur d’existence. But,” adds
 he, “ in the midst of our diversity of opinions,
 “ patriotism existed in all our hearts. The
 “ pacific efforts of the minister, and the reite-
 “ rated invitations of the King, have at
 “ length produced their effect. A re-union
 “ has taken place. Every day banishes some
 “ principle of division,” &c.

It merits great attention also, that some
 of the ablest men in France, while they
 patronized the idea of *two houses*, as in
 England, yet concurred in opinion, that for
 the present it was necessary to have but *one*.
 In the report of the Committee of the Consti-
 tution, read by the Archbishop of Bordeaux,
 July 17, 1789, it is observed, that there
 was a difference of opinion in the Committee
 on this subject, some deciding in favour of
 one house, and others in favour of two; but
 even the latter admitted, that for some time
 it was preferable to have but one—“ qu’ à la
 “ verité dans le moment d’une regeneration,
 “ on a du preferer l’existence d’une seule
 “ chambre; qu’ il falloit se premunir contre

“ les obstacles de tout genre dont nous étions
 “ environnés,” &c.

This was still more clearly expressed
 in Lally Tolendal's report*. It is not
 “ doubtful, that at present, and for
 “ this first assembly, a single chambre is
 “ *preferable*, and perhaps *necessary*. There
 “ were so many difficulties to be surmounted,
 “ so many prejudices to be conquered, so
 “ many sacrifices to be made, such old habits
 “ to root out, so great a power to control—
 “ in a word, so much to destroy, and almost
 “ all to *create anew* ! This moment, gentle-
 “ men, which we are so happy as to have
 “ seen, (for it is impossible to describe it)
 “ when private individuals, orders of men,
 “ provinces, are vying with each other who
 “ will make the greatest sacrifices to the
 “ public good—when all press together to
 “ the tribune here, to renounce voluntarily,
 “ not only odious privileges, but even those
 “ just rights that appeared to you an obsta-
 “ cle to the fraternity and equality of all the
 “ citizens---this moment, gentlemen, this
 “ noble and rich enthusiasm which hurries
 “ you along, this new order of things which
 “ you have begun—all this, most assuredly,

* Proc. Verb. Tom 4.

“ could

“ could never have been produced, but from
 “ the *union* of all persons, of all opinions,
 “ and of all hearts.”

These points therefore, the necessity of *one* chamber at the commencement of the Revolution, and the necessity of the annihilation of the *Orders*, may be taken as absolutely necessary circumstances, since no wise man entertained a different opinion on the subject. But though M. Lally admits this, he proceeds to observe, that the mode of preserving ought to be different from that of establishing liberty; and he recommends two houses in future, and the formation of a senate, in as strong terms as Mr. B. has done. Many others have been of the same opinion*; and I may safely assert, that if experience shall verify but one fourth part of the disadvantages which Mr. B. maintains will arise

* “ We have been convinced,” said Mounier, speaking in the name of the Committee of Constitution, “ that there
 “ was a necessity for distinguishing the means proper for forming a constitution from those adapted to preserve it. The present Assembly, charged with the organization of powers, and
 “ with the task of elevating the edifice of liberty, *must needs have*
 “ *been composed of one single body*, in order to have sufficient
 “ power and celerity: but the same degree of power, if kept
 “ up after the Constitution was completed, would finish by
 “ destroying it ‡.

‡ Motifs, &c. Sep. 4, 1789, par M. Mounier.

for

for want of a senate, there will be one instituted in a very few years in France. Mean while they are resolved to try how they can go on without it; and it is an experiment which a nation has a right to make.

It is the intention of the Assembly to revise their whole proceedings; and this, amongst other points, will be reconsidered.—The Marquis de Sillery spoke of the union of the Orders in one House, as a thing, of the necessity of which there was no dispute at all; concerning which there was not two opinions in the Assembly: At the æra of our meeting, said he, gentlemen, you were convinced that it was necessary to have but one Chamber—one will to attain the wished for purposes; and it is too soon yet to think of establishing a second. When the Constitution shall be completely finished, when the relation of the different powers shall be fixed, when all abuses shall be annihilated, and it only remains to *preserve* the Constitution we have erected, then we may discuss the question, whether there shall be a second house or not, &c*.

There is a minuteness and narrowness of mind displayed in many of Mr. Burke's cri-

* Opinion sur la permanence de l'Assemblée Nat. Proc. V. Tom. 4.

ticisms on the French Revolution, which, I think, quite unworthy of him. He tries this astonishing transaction, which is above all rule, and a rule to itself, by the common maxims that govern the most trifling events in life. He cannot see any thing to admire in the conduct of the National Assembly, because the good they did was accidentally attended with some temporary evils; and he is not able to approve the many excellent regulations they have made, because they wanted the sanction of certain *formalities*, which at such a time could not be obtained. Rather than break through the old forms of the Government, he would have risked the happiness of 25 millions of men. When a sublime and original principle is offered to his consideration, he cannot approve it, because there is no *precedent*. His friend, Mr. Grattan, observed in the Irish House of Commons, to one who made a similar objection to a proposed measure—that great events never have precedents—the Christian Religion had no precedent—the Revolution had no precedent, &c.

When urgent necessity calls for immediate action, to talk of *forms* is egregious trifling. All other bodies of men, as well as the National

tional

tional Assembly, have felt the necessity of acting with energy and decision at the moment of a Revolution. “ We were told, say the electors “ of Paris, that our powers were at an end: “ we did not listen to this, but continued to “ act—firmly persuaded, *that good citizens* “ *have always a right to save their country**”.

So perfect, however, was the assent of their Constituents to all the great measures adopted by the Assembly, so predominant and so determined that *public will* which gave them sanction, that I may venture to assert, it hardly left them sufficiently *free* on some occasions, and appeared to overrule their choice by a kind of necessity. Had the Assembly for instance decreed, to entrust the absolute right of making war or peace to a benevolent but weak Prince, surrounded as he was by mischievous counsellors, at a moment of the greatest danger, and in the crisis of a Revolution, all France would have risen in arms. The deliberations on this great question were watched with anxiety by countless thousands. All Paris was in agitation; and when the Assembly pronounced their decree, that the lives and fortunes of 25 millions of men, should not be at the absolute disposal of a single indi-

* Dufaulx, *Insurrect. Paris*, p. 3.

vidual, there was a shout of acclamation raised, which reached from the garden of the Tuilleries, to the extremest province of France.

An anxiety similar, if not so great, attended the other deliberations of the Assembly, on every point which involved any of the great interests of society---It was not wonderful, nor ought it to be censured. The French people, for ages degraded and oppressed, had suddenly been awakened to a sense of their condition, and found themselves able to recover those rights, of which they had been unjustly deprived. They elected representatives, to destroy the ancient abuses, and prevent the possibility of their return, by forming a free Constitution: they said to the Assembly, "Give us our rights:" and the Assembly had no title to refuse them. Created by *all*, it was their duty to act for *all*---to secure equal justice to *all*. If they had acted otherwise---if they had dared to consult for the interest of *one*, or of a *few*, at the expence of the *many*, they would have become *traitors* to their Constituents---they would have betrayed the trust reposed in them---their usurpation would have been as much less respectable than the ancient tyranny, as it was but of yesterday, and the people would have been justified in hurling the

the

them from the possession of that power which they had abused.

Indeed, although not one of the Cahiers had contained any discretionary power to the Deputies---altho' no argument could have been grounded on reason for the exercise of such powers, the conduct of the French Legislators might still be justified, on the plea of *necessity*. They met, we shall say, for a moment, not as a *National Assembly*---not to *form a Constitution*, but merely as the *States General*, and to *reform certain abuses*. Very well; before they had half accomplished this, an opposition arose to their measures. A plan of determined resistance was formed by the Aristocracy. The executive power interfered, the representatives of the nation were surrounded by an army of dragoons, after being banished out of the house where they assembled, and the people, believing that the power and even the lives of their Deputies were threatened, rose up with one accord, overwhelmed all opposition, took the Bastille, and for a moment overpowered all laws and authority in the nation.

What was to be done in such a crisis? The executive power had yielded---the King removed the troops. Things had returned to

the state of nature—all the springs of government were broken. There was but one way to prevent universal anarchy: that was for the States General to declare themselves a *National Assembly*—to assume the supreme power, not for the sake of governing, or rather tyrannizing over the people, as Usurpers and Conquerors have been wont to do, but for the sake of forming to the people a just and equal Constitution, by which themselves, their king, and their nation should hereafter be governed.

Whether therefore I consider the manner in which the Assembly came to assume the supreme power, or the use they made of it when assumed, I cannot but regard them as completely justified, and their conduct as deserving the highest approbation. The whole nation indeed sanctioned it; first by tacit consent, which was all that could at that time be done; afterwards, by innumerable addresses; and lastly, by a general deputation, on the anniversary of the taking of the Bastille; to complete the solemn confederation of the people, and swear to maintain the Constitution established by the National Assembly.

After this, Sir, you will not be surprised if I regard the language of the Aristocratic party

party about la foi-disante Assemblée Nationale---la foi-disante Assemblée Constituante, &c. as trifling and ignorant abuse, unworthy of a serious answer. I will say of the Assembly, as the electors of Paris well expressed themselves, that it brought itself to perfection by simplifying its institution, and became insensibly (and unavoidably) a National Assembly*.

Yes, illustrious Legislators! posterity will do justice to you, if the prejudices of the moment should obscure the purity of your character. Ye guiltless *Usurpers*! happy had it been for the nations of the earth to have had such *Conquerors* as you! If ye assumed supreme power, it was that ye might bind yourselves, as well as all others, by equal laws---if ye seized the riches of the State, ye distributed to every one that portion that belonged to him---if all places and pensions were at your disposal, ye excluded yourselves from all of them---if all offices and honours were in your power, ye opened the road to them to merit and virtue---*Sovereigns* for a day---it was that ye might establish the sovereignty of reason for ever---*Despots* for a moment---it was that ye might destroy despotism for all ages!

* Dufaulx, *Insurrection Parisienne*, p. 2.

Before I conclude this letter, I shall introduce a general observation, which I may have occasion frequently afterwards to refer to. In vindication of several measures, which though justifiable on the whole, appeared oppressive to individuals*, or seemed to arise from a stretch of power†, rather than from the allowed exercise of regular government: the Assembly candidly owned, that they had adopted such plans not from choice, but from the urgency of their situation, and in obedience to the irresistible law of necessity. M. de Calonne and Mr. Burke imagine they have set aside the force of that plea, by retorting, “ You created that necessity yourselves, and therefore cannot use it as an apology ; it was the result of your mad and

* *Peut on faire le bien general sans froisser quelques interets particuliers ? Reforme t-on sans qu’il ait des plaintes ? Calonne, p. 439.*—But he was then acting in the character of a Reformer himself, to the Notables, in March 1787.

† For some of these stretches of power, Mr. Burke himself has furnished an apology, though he has not applied it. He grants that occasional deviation, in cases of extreme necessity, is consistent with the use of a fixed rule. And the Abbe Maury, the prime advocate of the aristocratic party in the National Assembly, allowed, that the present period was in France, that period of extreme necessity which might justify the use of liberties, and the dispensing with the authority of laws, in favour of the people ; “ Whose safety, said he, is the supreme law.”

“wicked measures, and therefore you are chargeable with all its consequences.” I answer, that granting the assertion, that the measures pursued by the Assembly had created that necessity, if they did not foresee this effect, they must at least be cleared from *bad intention*; and if it should farther appear that they could not have foreseen it, they will cease to be answerable for it in any degree, or for any of its consequences.

And I will go farther. The measures pursued by the Assembly were *necessary*; and therefore, the consequences of them are not chargeable on the Assembly, but on those who rendered such measures unavoidable. Who were the men that had brought France to the brink of ruin, who had wasted her treasures, accumulated the load of her debts, destroyed her character, deranged her whole Constitution? Who but the unprincipled administrators of the old system, of whom M. de Calonne concludes the deplorable catalogue. These are the men who rendered a *total revolution* necessary in France—these are the men who imposed upon the Assembly the necessity of having recourse to severe and uncommon remedies, and who therefore are chargeable with all the consequences resulting from them.

It

It is to these men that the Clergy may look as the *real* cause of the loss of their possessions; that the Nobility may look as the true source of the loss of their titles; that all men may blame as having occasioned all the evils of the Revolution. This is the true view of the case. The temporary sufferings of a sick man are not to be charged on his physician, who has administered a severe, yet necessary remedy, but on these previous evils which had induced his disease.

But, farther, notwithstanding all the vices of the ancient system, the greater part of the hardships occasioned by the Revolution would not have been necessary, if there had not been in France a set of men obstinately determined to continue the ancient depraved system, and oppose every attempt to expose its past enormities, or prevent the return of them. These men, and M. de Calonne is said to have had his share in their proceedings, either, by their avowed opposition to the measures of the Assembly, irritated the people, and provoked them to riots and excess, or secretly stimulated them to refuse payment of the taxes, to take arms against lawful authority, to plunder and rebel, in hopes of thus confounding every thing. Hence the

origin of these riots, murders, burnings, &c. of which M. de Calonne and Mr. Burke draw so horrid and exaggerated a picture. Indeed, if the authority of the Assembly had not been firmly established in France, if the wisdom and justice of their measures had not produced conviction in the minds of the majority of respectable citizens there, and made them reign in the hearts of the people, two such books as those of M. de Calonne and Mr. Burke, translated and circulated through France, might have renewed all these horrid scenes they profess to deplore, and might have filled the kingdom with desolation and misery, by kindling the flame of a civil war, in which multitudes of the Clergy, the Nobility, and even the fair object of their adoration, the Queen herself, might have perished by the sword. Such is their perilous counsel, such their misguided wisdom!

LETTER III.

On the EVILS attendant on the French Revolution.

“ Avec quelle fureur on a reproché au peuple ses vengeances ! Dix a douze hommes dans le royaume expiant les malheurs de douze siècles, ont excité des declamations les plus furieuses, et vingt-cinq mille hommes tombant sous le glaive du despotisme dans l’espace d’un demi siècle, n’ont pas obtenu un regard on fait couler une larme ! ”

Corresp. de quelques gens du monde. p. 76.

DEAR SIR,

A Fundamental defect in M. de Calonne’s and Mr. Burke’s reasoning on the French Revolution is, that they do not take a sufficiently extensive view of it. They disconnect it from what went before ; and they keep the eye of their readers continually fixed on the present moment of trouble and confusion. M. de Calonne begins his work with a *tableau* or picture of the present state of France, and Mr. Burke has copied it very closely. What France *was*, he carefully

avoids touching upon. This tableau he concludes in the following manner: "Such
 " have been hitherto the fruits of the Revolution--such the effects of this *regeneration*,
 " so pompously announced, and whose aim
 " has been so accomplished.* "

It is painful to hear from grown up men the objections of children; it is deplorable to see men professing to have *long views*, and yet reasoning as if they could not see a single object beyond those of the present moment. Nothing could be more weak and trifling, than to talk of the consequences of the French Revolution, before it was eleven months old--nay, before even it was completed.

Of this Revolution in general, if instead of confining our views to present and temporary advantages or evils, we wish to form a complete and just idea, we must inform ourselves of the ancient state of the kingdom, or of what France was; and of her future state, or what she WILL BE. The first enquiry will prove to us the necessity there was of a change--The second, what consequences this change will probably produce. As to the question, what France is, at this moment of crisis and confusion? it is

what a sensible man will least of all trouble himself about, and yet it is this to which Mr. Burke almost entirely directs his attention, and from which he forms all his conclusions.

If, said a sensible friend to me, my house was ruinous and rotten, there would be much reason for pulling it down, and building up a new one. But this operation would be attended with expence, and many inconveniences.—In place of a house, there would, for a time, be nothing but a heap of rubbish. Yet, that spectator would give small proof of his wisdom, who either railed against me for altering my habitation, or who mistook the litter of the year, for the eternal prospect of the place.

The picture of *ancient France* exhibits, as we have seen, the melancholy view of a great and enlightened people, deprived of almost all the advantages Nature had given them, by an oppressive and arbitrary Government:—without *agriculture*, for the people (who are the cultivators) were despised and kept in the state of the lowest servitude:—without *commerce*, for it was reckoned dishonourable:—without *liberty*, for the life and property of every individual was constantly at the mercy of a minister, or of his mistress:—

without *laws*, for where arbitrary will can suspend any thing, there the laws are a mere fiction : and lastly, without *morals*, for these depend on laws and a fixed constitution. How could there be morals in a country, where the whole Government consisted of a system of oppression, from the highest down to the lowest ranks of society—where talents and worth availed nothing against interest and favour—where the only road to power and success was to flatter the Great; to encourage their vices, and be a partaker in them—where no man trusted to the goodness of his cause, but to the patronage of some great man to support it—In fine, where women are nominally excluded from the Throne, and yet the country was really governed by a set of prostitutes ?

There was then a *necessity* for a change ; and if we examine the manner in which the change has been brought about, I will venture to assert, that there is not in the records of history any example, of so great a revolution accomplished with so little violence or bloodshed *. Mr. Burke's accounts of riots,

* Truly did the people say, on occasion of the great rain at the Confederation, *La Revolution Françoise a été cimentée avec de l'eau au lieu de sang* ; The French Revolution has been confirmed with water instead of blood,

murders,

murders, burnings, &c. &c. are exaggerated in the highest degree. I do not believe that he intended to deceive the public, but he was imposed upon himself. I went over to Paris immediately after the King's arrival there, and I lived in that city six months, in the middle of the great events then accomplishing, in the most perfect harmony and security. I walked about every-where, mixed with all classes of society, spoke my opinion publicly of every public measure, was abroad at all hours, and never met with injury, nor even experienced alarm. Yet at this time my friends in England were writing almost every post, anxiously enquiring if I was in safety; and our newspapers were filled with stories of dreadful mobs, riots, assassinations, &c. that never existed. It was truly astonishing to me and other strangers who used to meet frequently at the Caffé de Chartres, in the Palais Royal, when the English post came in, to read in the newspapers that the streets of Paris were flowing with blood, at a time when the profoundest tranquillity reigned over the whole city. Such representations would have been absolutely ludicrous, and only have moved our risibility, if we had not discerned the spirit of wanton malignance

malignance that gave rise to them ; and if we could have restrained our indignation at seeing a set of ignorant and unprincipled scribblers dare to insult an enlightened nation, and attempt to ridicule one of the most respectable Assemblies of Legislators that ever appeared on earth.

Amidst all the barbarity and folly with which the mobs in France have been charged, there is something in their conduct that gives me a very different idea of them, from that which I have been accustomed to annex to the lawless mobs of other countries. Though I regret their mistaken violence, I see it only took place where they conceived themselves threatened with the *greatest* danger ; and while I deplore their needless cruelty, I cannot at the same time hinder myself from perceiving, that they imagined themselves acting as the Ministers of Justice, appointed to take vengeance on their oppressors *.

Let it be remembered, that at the period when several persons had been put to death

* “ Ne calomnions pas le peuple. Il a été cruel un moment dans la vengeance : mais on l’opprimoit depuis des siècles avec barbarie-dans une cause aussi importante, il ne faut pas juger d’après l’impression du moment : il faut *tout voir et tout peser.*”

Revol. de Paris, Introd. p. 71.

in Paris without trial or reckoning, and at that moment when the fury of the populace seemed to have been raised to its highest pitch, one of their number having taken an opportunity of stealing, was instantly detected, and punished upon the spot by his incensed brethren. The same spirit reigned through all. In the great mob at Rouen, while Mr. G—— was in the country, the mob rummaged his house in search of grain; but finding none, they retired without doing any mischief. Miss G—— told me that she had left a few guineas in a drawer, and forgot to take out the key: she had no expectation of ever seeing them more; but her surprise was great when she came home, found the drawers had been opened, and the money tumbled about, but not a piece missing.

On the 13th of July, say the electors of Paris *, the mob gave us information of a man who sold national cockades, and had forced people to buy them at half a crown each; whilst, added they, in a tone of indignation, they were only worth a shilling. Those who accused this man, insisted that he should be treated as guilty of the crime of

* Dufaulx Insurrect. Paris. P. 22.

Lèse Revolution, of having injured the revolution.

One of us, continue they, passing the Place de Greve, offered half a crown to a poor citizen ill armed, who had assisted him to get through the crowd. "Do you think of this, replied the man---money to-day is of no use, and you will see it. Who will have this half-crown that the gentleman offers?"---No money, no money, cried out the whole of his companions.

An intelligent observer (M. Mazzei, Chargé d'affaires from the Court of Poland at Paris) gave me a minute account of the conduct of the people, before, and at the time of taking the Bastille. He had been a witness of the whole, and from curiosity had traversed the streets during most part of the time. He declared he never beheld so wonderful a scene. An immense number of men collected together to execute any great purpose, always form an interesting spectacle, from the idea they give the mind of irresistible power. But when countless thousands were assembled to destroy the Bastille, and to deliver their country, the object became awfully grand and sublime. And the conduct of the people was worthy of the greatness of this design. Order, steady

steadiness and regularity were observed; determined courage was joined to the coolest fortitude. Every countenance was anxious, yet resolute; every mind appeared absorbed in one object—*Carthago est delenda*, was the firm purpose of all hearts; and every one seemed to say to himself, I may perish in the attempt, but France shall be free!

At this time, say the Electors of Paris, the city was wholly in the power of the people. They might have pillaged, burnt, or ravaged it at pleasure; but nothing of this kind happened; we walked more securely during these dreadful nights, than in the time of the *Spies* and *Satellites* of arbitrary power. There never was a period when Paris was so free of crimes*.

And after the Bastille was taken, it was, say the same persons, an admirable thing, to see the people delivering all they had taken, even to the coined money. The spoils of the Bastille and other houses were all brought to us; gold, silver, diamonds, all were given up. “We are no thieves,” said the people, “but good citizens.†”

* Dussaulx Insur. Paris, p. 139. 140.

† Dussaulx Insurrect. Paris, p.

After the late terrible mob at the hotel of M. de Castries, who had challenged the patriotic M. Charles Lameth, to a duel, the President announced, that though great disorders had been committed, and many things destroyed, yet the people had not carried away a single article.

Truly, Sir, there was something uncommon in such mobs : that of London in 1780, will bear no comparison to them : amidst all the disorder, and after all their mistakes, one sees something like *principle* in their conduct. " But how came the mobs in France to be so *cruel* in their vengeance ? " The friends of arbitrary power would be wise not to ask us this question ; for it leads to this just, but severe answer : " Their superiors had set them the example. " A despotic system of Government had kept them ignorant, and consequently savage ; and the tyrannic acts they had seen or heard of, practised on their fellow-citizens, had inured their minds to scenes of horror and barbarity. The *Bastille* had accustomed them to condemn and punish without trial or accusation ; the frequent repetition of *public capital punishments*, (the disgrace of civilized jurisprudence), had familiarized them with putting
men

men to death ; the *gibbets* of the State pointed to the *lanterne*, and the *racks*, *stakes* and *wheels* of established authority, had fatally habituated them to shut their ears against the cries of the dying, and to abuse the bodies of the dead.

These, Sir, are the true sources of the cruelties practised at the Revolution. The ghosts of Favras, Foulon and Berthier are gone to prefer their complaints against the old tyrants of France. The matter will be tried, and the decision passed and executed, long before the men of 1789 arrive at the world of spirits.

The Governors in France had the people exactly as they had bred them ; and it might have been expected, that whenever they got the power into their hands, they would retaliate upon their oppressors the same cruelties which they had been constrained to practise on each other.

When we speak of the disorders that took place in France during the Revolution, we should remember that we live in a world where it is vain to expect pure good without any mixture of evil. Where, in the history of mankind, has *so much* been gained, at *so small a price* ? Il n'est point de maux (said Mounier) dont la liberté ne console,
point

point d'avantage qui puisse en compenser la perte. Put together all the number of persons wounded or killed since the beginning of the French Revolution, and the amount shall not be found equal to that of their subjects, whom ambitious Kings have sacrificed in a *single* battle of an unjust war.

Through what struggles, contentions and distractions did the English nation pass, before the establishment of our present Government? Mr. Burke reprobates the French; but he might have recollected, that we have acted in England the same scenes, and perhaps still more tragical ones than they have done, in order to secure our liberties. We have not only bound our Nobles in fetters, and our Kings in chains of iron, but we have slain our Nobles by scores, and actually cut off our King's head. The difference between us and the French is only this, that what we did by piece-meal, they have done at once, and really with less evil to society.

Another capital defect in M. de Calonne and Mr. Burke's reasoning on French affairs is, that they ascribe all the evils that have happened, to the Revolution, and even to the National Assembly; concealing the real state of the case—that they may invariably be traced to the ancient system of injustice and despotism.

Often

Often have I heard in the National Assembly, this phrase, “Les maux inseparables d’une grande revolution!” pronounced with pathetic regret. But the Assembly were bound to suppress their feelings; they were bound to consult the good of millions, even if a few should suffer: They did not permit these to suffer unnoticed or unpitied, nor, when it was possible, unavenged.

“Doubtless we ought to regret, (said M. Mounier) all the evils which the capital has suffered. May Paris never see again those terrible moments, when the law has no longer any power!—but may it also never again experience the yoke of despotism!—Whom can we reproach for the blood that has been shed? Is it not these perfidious Counsellors who have been able to surprize the *Religion* of the King to such a degree, as to make him prevent, by means of soldiers, the Representatives of the Nation from entering into the ordinary place of their meetings—as to make him transform the Assembly of the Nation into a Bed of Justice—to assemble at an immense expence an army, at the moment when the finances are in the greatest possible disorder, and when we experience an awful scarcity of provisions—to carry this

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army

army to Paris, Versailles, and the neighbourhood---to alarm the People for the safety of their Representatives---to place the instruments of war in the Sanctuary of Liberty---to remove the virtuous Ministers, who enjoyed the public confidence---to intercept the passage from Paris to Versailles, and to treat the subjects of the King as the enemies of the State * ?”

So absurd is it to ascribe these disorders to the National Assembly, that if we examine into the particulars of them, we shall find that almost the whole of them arose from the *enemies* of the *Assembly*, from the opposition made by interested individuals to those laws which were necessary for the good of the whole Nation. Who were they that misadvised their benevolent, but too easy Sovereign, to fill the capital with troops, to surround the house where the Assembly met with armed men---to interdict their meetings, and force the Deputies to retire to a Tennis-court, where they joined in that immortal oath never to separate till they had finished the Constitution † ?” Great disorders followed these

* Recit. &c. lu dans l'Assemblée, July 16, 1789.

† See the resolutions of that celebrated meeting, Appendix, No. 2d; and the earnest requests of the Assembly to the King to remove the troops, Appendix, Nos. 3. and 4.

arbitrary proceedings ; but who are we to blame as the source of them ? Who were they that exerted every nerve to sow faction amongst the people---who printed thousands of inflammatory pamphlets, and sent them to every corner of the kingdom, to excite the Provinces against the National Assembly ? Was it to be supposed that the people, who looked up to that Assembly as their saviours, as their sole hope, could see its acts traduced, its authority reviled, its members abused, and their lives threatened, the house where it met talked of being blown up by gun-powder, without the least emotion, or without indignation against those daring and hardened culprits, who would have sacrificed twenty-five millions of men, to keep up their usurped power, and unjust pensions, drawn from the vitals of the people ? If a few rich proprietors in some provinces were plundered, or had their houses burnt down, it was not till they had excited the vengeance of the people. How few of them dare assert that they did not provoke their fate ? Let any man set to work to draw up a list of those that suffered *guiltless* in the French Revolution : he would I am sure be ashamed to publish his Catalogue.

That I may not seem to exaggerate what there is no need of exaggerating, I shall in a note give you a specimen of the manner in which some of the principal members of the Assembly were characterized, in the famous *Adresse aux Provinces, ou examen des opérations de l'Assemblée Nationale*, which was circulated with great care all over France, and of which the motto was, “ *Ils n'ont rien respecté, et ils veulent qu'on les respecte* *.”

The

* “ Who, I ask you, have you chosen as your Representatives?—Who but a paltry *Robespierre*, who was never known at Arras, but by his ingratitude to the Bishop, who made him be educated?

“ A *Mirabeau*, escaped from the gallows, but not from infamy, and whose very name is become an abomination.

“ A *Prince*, who was never known amongst you, but by his gluttony, his love of money, and his indifference to the opinion of the public.

“ A *Pethion de Villeneuve*, in whom you have never been able to distinguish any thing but the confidence of folly, and who, vile instrument of factious men! resembles the criers of a fair, who are stationed at the doors of theatres to make a noise whilst the farce goes on within.

“ A *Barnave*, an insolent, ignorant coxcomb, in whom talents supply the room of principle and morality—in a word, what one calls a *droll*.

“ An Abbé *Sieyes*, whom you saw dishonour himself at the Assembly of Orleans, and who, after having tried in vain every method to make his fortune, is come to confound all conditions, in order that he may rob and plunder amidst the disorders.

“ A *Clermont-*

The same reasoning I have used relative to the riots, will apply to other errors or evils attendant on the revolution. If a people suddenly let loose from bondage, had committed some follies in the first moments of exultation, on the recovery of their liberty, if their conduct had been enthusiastic, or even riotous, a wise Statesman would not have been surprised, and a candid Statesman would have forgiven them. To judge of such a people from ourselves, who never experienced anything like their situation—to measure the feelings and conduct of men at once brought into a new world, by our own old ideas—to launch forth

“ A *Clermont-Tonnerre*, equally despised by both parties, whom
 “ he has served and betrayed by turns ; a great genius for small
 “ things ; and so small a one for great objects, that he believes
 “ himself worthy of Fortune, because he is deceitful like her ;
 “ and who, envious of all, but having only the paltry resources
 “ of his own mediocrity, knows ambition merely as the im-
 “ potent do love, by its disquiets and jealousy.

“ A *La Borde*, rich by means of 40 millions stolen from the
 “ State, the financier of the Archbishop of Sens, and then the
 “ most faithful supporter of despotism ; but who, after having
 “ enriched himself with the blood of the misfortunate, wishes
 “ now that for his sake those ranks should be destroyed, which
 “ by money alone his could not attain to.

“ A *Gouy d'Arcy*, who has not been able to escape con-
 “ tempt, even in this *vile* assembly.”

Such is a sufficient specimen of the abominable abuse and falshood of these unprincipled and base writers. Can we wonder that the populace should have been kindled to indignation against them, as well as those that *bired* them?

into elaborate criticisms or tragical declamation on their errors, marks a want of political sagacity, an ignorance of human nature, and a narrowness of mind ill concealed under the mask of superior wisdom.

The disorder of the *finances* was great ; but neither the Revolution nor the Assembly are to blame for it—it existed long before them, and was occasioned by the vile administration of the ancient despotic government. In 1786, under the ministry of Mr. Calonne, and before even the *Notables* had been assembled, the Public Treasury was declared empty, the Government in arrears, and the annual revenue unequal to the annual expenditure.---The Assembly, then, did not create these evils ; but they have taken the burden of them upon their own shoulders, and great will be their merit if they get well clear of it.

The French Legislators have erred in some points.—Granted. I am not such an enthusiast as to vindicate every one of their measures. They are *Men*, and, like others, liable to mistake*. But how small a proportion do
their

* It is surely very possible, said M. Chapelier, (Rapport du Comité de Constitution sur la prolongation des pouvoirs de M. M. les Deputés), that in spite of all our care and reflection, some errors may have escaped us in the establishment of our
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their errors bear to the wise measures they have adopted, to the good they have done? I have been often present in the National Assembly, and have followed the course of their proceedings with care from the beginning, and I can say with the fullest conviction, that whatever a society of *Angels* might accomplish, which I cannot predict, because I am unable to estimate their powers---I do not believe that a society of *Men*, such men as live on this earth, with all their various weaknesses, partialities, jarring interests and prejudices, placed in so new and so arduous a situation, ever yet have acted more nobly, generously, and wisely, than the National Assembly of France have done; and therefore, so far from joining with the uninformed or prejudiced here in depreciating their proceedings, I think they merit the praise and admiration of the world: and I am well persuaded, that when the moment of passion and prejudice is past, those nations who now calumniate them, will, in many points, become their imitators.

Constitution: Experience will point out the imperfection of our work, and, at a fixed period, and in a regular form agreed upon, our labours will pass under review. It is not at the moment of their establishment, that all the advantages or defects of political institutions can be judged of. There must first be a lapse of some years, to silence passions, and calm regrets, &c.

At present, I do not wonder that the proceedings of the French Legislators are censured in England ; for they are misrepresented, and misunderstood. Our news-paper writers, instead of taking pains to procure proper information, and then delivering plain facts, have in general been shamefully negligent in the first part of their duty, and in place of the last, have amused us with their own opinions and fictions*. Ignorant of local circumstances, they were in no situation to make such forward remarks as they have indulged themselves in---unacquainted with the reason of measures, and with the characters of the men who moved them, their petulant reflections have been destitute of sense and truth, their praise and blame have been equally misapplied. By attempting to illustrate what they did not understand, they have disfigured it ; they have made the members of the Assembly speak absurdly†, and often without any connexion of ideas ;

* Though this censure applies to the majority, I do not mean to extend it to all ; and justice obliges me to make peculiar exception in favour of the Gazetteer, a Paper in which the affairs of France have been treated with decency and candour, and usually with great accuracy.

† I will not be so uncandid as to deny that some of these errors arise from haste, without any bad intention. I am sure this was the case very lately, where an able writer, in his account

ideas ; have put the speeches of Patriots into the mouths of Aristocrats, and *vice versa* ; in short, they have confounded every thing, even to the names of the members of the Assembly, which they have mis-spelt in every possible way †.

I speak

account of the proceedings on M. Lavenue's motion to tax the public funds, put into the mouth of M. du Port this expression, " What supported the English in the last war, when they had neither men nor money ?" I had not seen the Journal de Paris at the time I read this in one of our own papers ; but I knew M. du Port was a man of too good sense to have made such an absurd remark as this ; and I concluded at the time, that there must be a mistake. Accordingly I found it afterwards in the French Paper thus, " Qu' est ce qui a soutenu
" les Anglois dans cette derniere guerre, ou ils ne pouvoient
" avoir des hommes qu'avec des trefors ?"—" When they could not get men *but with money* ;" a very different assertion from the former. I will add the judicious answer M. du Port gives to his own question : " Leur credit ; et leur credit, comment etoit il né, comment etoit il soutenu ? Par leur inviolable fidelité á remplir toute l'etendue de leurs engagements." It was a strong conviction of the great utility resulting to a nation from this strict fidelity to their engagements, that operated on the minds of the French Legislators, and induced them, at the very beginning of the revolution, to put the creditors of the State under the protection of the honour and loyalty of the nation, and to proscribe the term *national bankruptcy*, as a disgraceful and abominable expression. Mr. Burke's mind is so warped with prejudice, that he gives them no credit for this just and honourable conduct :—nay he even seems to blame them for it !

† Men often censure from *interest* ; but as soon as that interest is affected, they have recourse again to *principle*, which they had deserted.

I speak of this with confidence, from what I have seen myself; and I believe there is not one of my readers who will not recollect many of their fabrications. It is but the other

deserted.—To *principle* all intelligent beings must make their ultimate appeal. The triumph of the man of virtue, though late, is sure: one day or other his enemies will be of his opinion. Several of our news-papers have heaped up abuse on the proceedings in France: but on occasion of the late extraordinary doctrines about libels, which touch them very nearly, and render it somewhat inconvenient for them to flatter the exertions of power, they made some concessions to truth which merit to be noticed. The National Assembly of France, said the *Times*, July 14, have passed *twenty* decrees for the better administration of justice. “It was once our intention to have
 “contrasted the constitution of France with that of England,
 “and to have pointed out *the superior excellence of the former*,
 “especially in the department of the law; but as *truth* is in
 “England deemed a false and malicious libel, we are obliged
 “to decline the hazardous enterprise.” Who would have supposed that the accounts of the National Assembly’s proceedings in this news-paper, have been one continued series of abuse and satire? The same paper having quoted that decree of the Assembly which enacts, that the laws shall be administered with a strict regard to the proportion between the punishment and the offence, &c. &c. adds, “Let those who
 “reproach the National Assembly of France with the violence
 “of their proceedings, pay a just tribute of praise to this most
 “equitable and merciful decree. Happy people who know
 “the consequences of error and misconduct! In England,
 “alas! *Liberty, property, and reputation*, are dependent, not on
 “the verdict of a Jury—not on any known specific determination of the Legislature—but on the tender mercies of the
 “Judge! But though it be thus at present, we hope, we
 “*predict* better days.”

day,

day, that they raised a mob, and hanged the whole Parliament of Thoulouse---Another time they sent M. de la Fayette over to Turin to join the Aristocrats; and the first post brought intelligence, that he had moved in the Assembly, that these men should be summoned to return within a month, or else lose their estates. We were scarce recovered from this astonishment, when the Emperor of Germany, according to them, sent to Paris to demand the Queen. The first information the French got of it was in the English papers, the rapidity and extent of whose intelligence might well move their astonishment. I may mention farther, that when I was in Paris, Madame Robert (once Mademoiselle de Keralio) informed me, that she had not only at various times sent over to some of them genuine intelligence, of which they had not profited as they ought, but had also been at pains, in her *Mercurie Nationale*, to correct many of their errors, till she found them so numerous, and pertinaciously repeated, that she was convinced they did not wish to see the truth, and therefore abandoned them to their own delusions.

There were no doubt reasons for this conduct. *National* prejudices are far from being
 extinguished

extinguished amongst us, though we live in the 18th century. And it was very important to a certain class of men, I mean the refugees from France, that the revolution should be ill esteemed in England. To accomplish this, I believe they spared neither trouble nor *cost*; for they perceived that their credit here, depended upon our disapprobation of that cause which they had opposed and abandoned. Against such counsellors I know Mr. Burke has been fully warned. He has been reminded, that the refugees of other nations and ages were worthy and conscientious citizens, who fled from civil or religious tyranny; but that the refugees of France were (with some exceptions) a set of "defaulters, escaped from deserved punishment,"---men without principle, and women without chastity, who deserted their country when that abominable system of oppression and prodigality, on which they depended, was destroyed. These advices, however, were given in vain; and I have heard from high authority in Paris, that Mr. Burke trusted for his principal information to such prejudiced informers, and to M. Lally Tolendal and Mounier. For these men I had once a high regard; but they lost their respectability in
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my eyes, when I found them peevishly decrying the proceedings of the Assembly, because they could not accomplish all the plans they thought should have been executed; forbearing to do that good which they might have done, because they could not do all that appeared to them to be good; and at last, contrary to every principle of ancient patriotism, spleenetically abandoning their post, despairing of the republic *, and deserting their country in that hour when she had need of the counsel and aid of every wise and virtuous citizen. Both of them have since attempted to apologize for their conduct; but we may tell them in a few words, that there is no glory in running away—no dignity in deficiency. They should have staid to oppose every one of the Assembly's decrees which they thought bad. They should have staid to have diminished the evils they could not cure. I cannot but prefer to their conduct, that of the Abbé Maury and M. Cazalès; for though I think they often make use of their eloquence for no other end

————— “Than to perplex and dash
Maturest counsels,” —————

yet they are firm and steady in what appears to them the right cause. They consider

* De republica nunquam desperandum est.

them-

themselves as the *guardians of the throne*, and they never fail to make a resolute opposition to every measure that tends to lessen its power and prerogative.

I have said more on the subject of the newspapers than may seem necessary, because I am convinced they have been the chief cause of the misconceptions of the public respecting the affairs of France. Our English newspapers are generally conducted with genius and ability. They supply various useful materials to the historian; and they are valuable, when preserved, as a record of the *thoughts* and *sentiments*, as well as the *transactions* of past ages. But none of these advantages can be derived from the greater number of them that have been published during the French Revolution. The historian can derive no information from their caricatures of facts: the moralist can find no reflections on their erroneous or deceitful representations of opinions. The only purpose they can serve to a Statesman is, to be preserved as a striking monument of the gross ignorance of nations respecting each others affairs, and of the shameful and malignant prejudices which, reigning amongst the people of different countries, divide the great family of mankind, the children of one parent, into a number of hostile

hostile factions, ever ready to abuse, vilify and destroy one another.

I have only to add on this subject, that I wish I could acquit our neighbours entirely from these same faults: But justice obliges me to allow, that with respect to information at least, there are faults on both sides. I am forced to confess, that I found in France also, much ignorance respecting the affairs of Britain. For example, during our late difference with Spain, it was almost universally credited in Paris, that the design of our armament was against France. This unfounded idea was not confined to the people; it had extended itself to the National Assembly. Yet the conduct of our Ministers had given no ground for such an opinion*, nor did any man of sense in

* Our Ambassadors at the Court of Paris, during the Revolution, certainly did not shew much wisdom in the choice of their society there; and this want of *diplomatic sagacity* on their part, injured our character not a little with the patriotic and leading party in France: however, it furnished no sufficient ground for the idea, that England had hostile intentions towards France. The only objection of my French friends, which I have found it difficult to refute, is that drawn from the Attorney General's prosecution of Mr. Luxford for a libel. "If," say they, "there had been nothing in our idea that England was arming against France, why should your Attorney General think it *worth while* to prosecute and punish a poor printer of a news-paper for a paragraph containing an assertion to that purpose?"

Such is the wisdom of our law of libels! It gives *consequence* to the merest trifles, and *credibility* to what it was intended to discredit.

England

England entertain the least belief of it *. Certainly Mr. Pitt had no intention to annoy France; and no one acquainted with the amiable character of the Duke of Leeds, could ever have supposed him capable of concurring in a design formed against the liberties of any people.

If, indeed, we were unfortunate enough to have such Ministers as Mr. Burke has represented the present men in power to be, there is nothing too bad that might not be supposed of them. If the Chancellor of the Exchequer, and his associates, were capable “ of the *most wanton perfidy* which has ever “ stained the annals of mankind †,” they might also have been capable of coolly meditating a plan to destroy the rising liberties of France. But reflecting men are far from being convinced that our Ministers are such characters as Mr. Burke has described them. Even those who differ from Mr. Pitt in political sentiments, must consider such charges against him as utterly absurd; and all of us have been

* The state of our finances loudly called upon us to avoid all wars; and the Minister must have been perfectly sensible, that in a war of mere ambition and revenge, they could not have obtained the support of the nation.

† See Mr. Burke's Speech, Feb. 14, 1785.

taught by experience, to receive with caution, and not without considerable deduction, the rash assertions of a writer, whose ungoverned imagination hurries him at times into the wildest and most contradictory assertions.

It may be useful to mention, for the sake of those who wish to acquire a complete knowledge of the real state of affairs in France, that they can only accomplish it, by reading some of the best Journals published in that country. Such are the old *Journal de Paris*, formerly a most wretched Gazette, but since the Revolution conducted by M. Garat the younger, a man of character and worth, a member of the National Assembly; and though a Lawyer, a Philosopher. This Journal is published daily (Sundays not excepted), and consists of four pages small quarto, with frequently a supplement, filled with advertisements, letters from individuals, &c. The subscription at Paris is 30 livres yearly, and in the Provinces 33. This Journal is almost entirely confined to the affairs of France, or rather indeed to the proceedings of the National Assembly. It is not so much a detailed history of these proceedings, as a series of reflections arising from them. M. Garat has a happy turn for *analysis*; his paper is written

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with much impartiality, and abounds with ingenious, original and profound ideas. Some of the best paragraphs on French affairs, in many of our Newspapers, are translated out of it.

The *Gazette Nationale, ou Moniteur*, was instituted by Mr. Panckoucke, the principal bookseller in Paris, the publisher of the *Encyclopedie*, the works of Buffon, &c. It is a daily paper (Sundays not excepted) in folio, exactly after the English model. Mr. Panckoucke had made a journey to London, and though he did not remain long there, he carried away with him much knowledge. A proposal having been made to tax news-papers, Mr. Panckoucke, who is concerned in several, wrote a *Memoir sur les Journaux*, which contains more information respecting *our* news-papers than is known to most people in Britain. I have sent it to the Editors of the *Spirit of the Times*, and requested them to translate it, for the sake of the public, which they will do in their next number.

Mr. Panckoucke's *Gazette Nationale* began in Nov. 1789, and has continued regularly since. The subscription at Paris is 72 livres annually, and 84 for the Provinces. It contains the public news of all Europe. A very accurate account of the debates in the National Assembly

Assembly had been published in a Journal intituled, *Bulletin de l'Assemblée Nationale*, &c. The author of this Journal was engaged by Mr. Panckoucke to print his Bulletin in the *Gazette Nationale*. Since that time this Gazette contains an account of the speeches in the Assembly, similar to Mr. Woodfall's register of the speeches in our Parliament.

The *Mercure de France* commenced in the last century. It is a mixed Journal, partly political, and partly literary, resembling our *Magazines*. I have seen a complete set of it in many more than a thousand volumes. A selection of the best papers from the early volumes, was made by M. de la Harpe and others, several years ago. At present it is published weekly at 33 livres *per annum*, both for Paris and the Provinces. The literary part is conducted by M. Marmontel, Chamfort, and de la Harpe; and the historical part by M. Mallet du Pan, a citizen of Geneva, whose abilities I admit, though his politics are opposite to mine: There are spots in the sun, and he who reads the *Mercure* will know those of the French Revolution. There may be utility in having the tares distinguished from the wheat; yet not a great deal, if we dare not meddle with the one, for fear of

rooting up the other. I must regret also, that M. Mallet is insensibly departing from the moderation, that formerly characterized his reflections, and gradually giving himself up to a bitter and malignant spirit of party, which I think totally unworthy of him.

The *Point de Jour* is a good Journal; so is the *Courier de Provence*, originally begun by M. de Mirabeau. The *Gazettin*, published twice a week, contains a short and sensible analysis of public transactions. Many others might be mentioned, but I chuse to speak only of such as I have been in the habit of reading. I shall conclude with the *Procès-Verbaux*, or Register of the Assembly's proceedings, published by themselves occasionally. This work is more detailed, and consequently more interesting than our *Votes of the House of Commons*. It contains also a great number of valuable memoirs, opinions, and speeches on important subjects, by different members of the Assembly. About 40 vols. have already appeared, at six livres a volume.

LETTER IV.

TERRITORIAL DIVISION.

ADMINISTRATIVE ASSEMBLIES,

AND

THE NATIONAL ASSEMBLY.

“Tantæ erat molis Romanam condere gentem.”

IT is now time, Sir, that we should proceed to see what the Assembly have actually done. According to some, they have undone a great deal, and established nothing. This is the language of *Declaimers*. They have formed an immense system—they have organized a most wonderful machine. If the assertion of these Declaimers have any foundation of truth, it is only this, that they have not yet been able to set in motion all the wheels of the machine they have constructed.—So far I admit. The efforts of

all human beings must be limited by the powers of human nature. But every day diminishes the force of this objection, and it will soon have no existence.

You will not expect from me a complete view of the French Constitution. The great features of it are formed, and I have endeavoured to delineate them in the *Chart* that accompanies these letters. I shall here enlarge a little farther, and occasionally add my own remarks—Still I cannot give a *complete* view, because the work is not finished: and though that were the case, it is meant to undergo a revival, in which several things may be changed.

A reflecting reader may be inclined to think, that it would have been better to have delayed giving any account of the French Constitution, till it was quite completed. And I own I should have been clearly of that opinion, if a great man had not employed all his abilities to *censure* and abuse it when it was not half finished. If a farther apology is wanted, I should say, that I waited some months, after I was ready to begin, and started when I thought the *skeleton* was formed. It will be easy for another to fill up the interstices.

I have

I have observed in the *Chart*, that the New Constitution of France, as settled by the National Assembly, was preceded by, and founded upon a *Declaration of the Rights of Man in society*, the true basis of every wise and lawful Government *. To this were afterwards added nineteen grand Constitutional Articles, in which the general rights of mankind were applied to the particular case of the French nation †. In these the following important principles are established :

“ 1. Men are born, and continue *free* and
 “ *equal* in their rights: Distinctions in society
 “ can be founded only on public utility.”

Art. I. Decl. of Rights.

“ 2. The design of all political associations
 “ is to preserve the natural and unalienable
 “ rights of men. These rights are, liberty,
 “ property, security, and resistance to oppres-
 “ sion.” *Art. II. Decl. of Rights.*

“ 3. The principle of all *Sovereignty* resides
 “ essentially in the Nation : No *individual*,
 “ nor any *body of men*, can exercise any powers
 “ which are not derived expressly from that
 “ source.” *Art. III. Decl. of Rights.*

* See this at full length, App. No. XIV,

† Appendix, No. XV.

“ 4. The French Government is *monar-*
 “ *chical* : There is not in France any autho-
 “ rity superior to the *Law* ; the King reigns
 “ only by it, and it is solely in virtue of the
 “ Laws, that he can demand obedience.”
Art. II. of the Constitution.

The National Assembly may be said to have founded their Constitution on a new territorial division of the kingdom. The ancient provinces were already *morally* dead—their privileges, jurisdictions, peculiarities, were annihilated ; and as their extent and limits were settled by chance and caprice, without any regard to convenience or utility, and in place of any valuable purpose, served now only to keep up the remains of old feudal ideas, the Assembly judged it right to abolish them, and substitute a new and more equal division.

France is now divided into 83 Departments: Each Department into Districts, not fewer than three, nor more than nine : Each District into Cantons, of about four leagues square of France. There is in each Department, and in each District, a *chief place*, or town, where the *Administrative Assembly of the Department or District* is to be held. The *Electoral Assembly* of each Department is to sit alternately

nately in the different chief places of all the Districts in the Department.

I shall be a little particular in my account of this measure, as it will furnish me with an opportunity of giving you a specimen of Mr. Burke's *accuracy*. And if you perceive in him, who had near twelve months to compose his work, some very singular mistakes in matters of fact, I hope you will be inclined to forgive in me these errors, I may have committed, in a hasty production, compiled in the few leisure hours of business, of not so many weeks.

By some unaccountable negligence or mistake, Mr. Burke criticizes the new division of the kingdom of France, after the *report* or *project* of the Committee, Sep. 29. 1789. or that of M. Thouret, Nov. 2. (and after neither with accuracy), instead of the plan that was really adopted by the Assembly, in their decree. Hence his account teems with errors. They have divided, says he, their country into 81 departments, (*there are 83*) regularly square, (*they are not regularly square*): these divisions are called departments. No man belonging to one of these regions will shortly have any country, (*he means province*). No man can be attached to a piece of square measurement, (*it is not square*).
He

He never will glory in belonging to the chequer No. 71, or to any other badge-ticket; (*the departments are not so numbered, each has a name; and if there be any utility in such local pride, why may not a man value himself as much, on belonging to the department of the Seine for instance, as on belonging to the province of Normandy?*) These departments they subdivide into 1720 (*say 720*) parts, (*their number is not fixed, and may be altered according to circumstances*), called Communes, (*they are called Districts*); and these again into still smaller parts, called Cantons; in all 6400, (*say 6480.*) The primary Assemblies of the Cantons elect Deputies to the Commune (*District*), one for every two hundred qualified inhabitants; (*they chuse the Assembly of Electors, who are totally a distinct body from the Assembly of the District, in the proportion of one elector for one hundred active citizens.*) These Communes (*Districts*) chosen by the Canton, chuse to the department, (*it is the reverse*), and the Deputies of the department chuse their Deputies to the National Assembly. (*Neither one nor the other have any thing to do with the choice of Deputies to the National Assembly*).

In such a system, says Mr. Burke, there is no connection between the representative
and

and the first constituent. There are *three* elections before the representative is chosen, &c. All this is erroneous, as you will see by one glance at the Chart. The members of this assembly are not chosen in that circuitous way described by Mr. Burke. The Primary Assemblies of the people chuse the *Electoral Assemblies* of the departments, and these assemblies chuse both the members of the administrative assembly of the department, and their representatives in the National Assembly*. Thus there is but one medium between the great body of the People, and their deputies to the Assembly. It resembles the constitution of the towns in Scotland, where the Magistrates or Municipal Assembly chuse an *Assembly of Delegates*, and these delegates appoint the member of parliament. It is far superior to it in another respect, for the Electoral Assemblies of France are chosen by the *Primary Assemblies*, which consist of *all* the citizens, except paupers, servants, and

* They also elect the *Judges*; for it seemed to the French Legislators as reasonable, that they who are to be *judged* should appoint their own *Judges*, as we think it, that they who are to be *taxed* should appoint their own *Tax-masters*. They appoint the *Bishops* too, following the maxims of the Primitive Church, in which the Bishops were always elected by the people.

bankrupts ;

bankrupts ; while the delegates of Scotland are appointed by municipal officers, who elect one another in succession, *ad infinitum*, without the concurrence of, and frequently contrary to the general sense of the citizens.

Mr. Burke seems not even to have understood that *Sketch*, on which he improperly founded his censures. For M. Thouret says, “ If any one has imagined, that this division “ would be accomplished by perfect geometric “ squares, which would make the surface of “ the kingdom a *chequer board*, he might “ have recollected, that the mountains, rivers, “ and towns already existing, would not allow “ us to draw lines directly from east to west, “ or from north to south over France. But “ since the execution will not be in this way, “ and that the curvatures which local and “ other circumstances occasion, will be observed,” &c. &c. * He had before said, in reply to those who objected, that the ancient divisions into provinces would be quite confounded by this new arrangement, that local conveniency, and the old limits of the provinces, would be every-where respected as much as possible.

* Disc. de M. Thouret. Nov. 3, p. 15.

M. Mirabeau offered another plan of dividing the kingdom, in which he criticized that of the Committee, and anticipated some of the strongest objections that have been proposed by Mr. Burke. "I wish," said he "a real and *de facto* division, adapted to localities and circumstances, and not a mathematical division, almost ideal, and whose execution appears to me impracticable." He wished neither to have communes, nor cantons, in order to bring the representatives nearer the represented, &c.

The Assembly also published the opinion of M. de Bengy de Puyvale, Nov. 5, in which the plan of the committee was farther criticized, and in which we may again see Mr. Burke anticipated. You form, said M. de Puyvale, equal divisions, which give unequal results; you establish uniform bodies, which present no uniformity in their functions or utility.—Like M. Mirabeau, he also argued on the necessity of having as few mediums as possible, between the electors and their representative.

Nor was the investigation yet complete; for the National Assembly of France proceed a little more gravely than Mr. Burke is pleased to represent, at the time when he is
contemning

contemning their labours, and making mistakes in his account of them. They printed farther the opinion of M. Pison du Galland, Nov. 10, who criticized both the plan of the Committee, and that of M. Mirabeau, and gave a new one of his own.

Next came M. Thouret, who, in his 2nd Discours, Nov. 9, reviewed all these plans, and defended that of the Committee. In his 3d Discours, Nov. 11. he renewed the same labour, and answered a variety of objections.

You will excuse my continuing this historical sketch a little farther. It is of importance, as it shews with what extreme haste and want of candour Mr. Burke has permitted himself to condemn the conduct of the French legislators.

On January 8th, M. Bureaux de Pufy read a Report of the Committee of Constitution respecting the New Division of the Kingdom, intended to apologize for the *slowness* of their progress, in executing this great design, and to explain more fully the principles on which they had proceeded in carrying it into effect. The Committee own that they had sometimes departed from the *letter*, but never from the *spirit* of the Assembly's decisions. "We have thought," said they,
" that

“ that the happiness of the people being the
 “ end of this New Division of the Kingdom,
 “ it was necessary, above all things, to insure
 “ the success of that operation ; and for that
 “ purpose it was essential, not to break asun-
 “ der too rudely the moral and political ties
 “ which exist between the different parts of
 “ the Empire. We have thought that it was
 “ not sufficient that the Assembly had formed
 “ a great and sublime plan ; but that it was
 “ also necessary to convince the nation of the
 “ utility that must result from this extraordi-
 “ nary enterprize—that this conviction must
 “ be the fruit of moderation, patience, reason,
 “ and time,” &c. &c. They add, that they
 directed all the Provinces to settle amongst
 themselves the boundaries that divided them
 from each other, and then to give in plans
 of such *subdivisions*, as they thought most suit-
 able to their commerce, agriculture, manu-
 factures and local situations ; which plans the
 Committee constantly adhered to, as far as
 was at all possible, in consistence with the
 great principle by which they were ultimately
 to be governed. They went on to give a
 history of their proceedings, and to state the
 reasons for fixing the extent of each depart-
 ment by name, and for assigning to Paris a
 department

department of its own, unconnected with the country around.

The Assembly published also M. Rabaut de St. Etienne's New Reflections, on the New Division of the Kingdom, addressed to his Constituents; an eloquent and animated paper, which explains the advantages that would arise from this measure, and affords additional proofs of the caution, care, and wisdom with which it had been executed.

Even after the decree was passed, which settled every thing relative to this important measure, room for farther discussion, on several particulars of it, was left open. Local complaints and remonstrances were received, and a general answer to them all given in a Report of the Committee of Constitution, Feb. 15, by M. Dupont*.

Lastly, we shall speak of the decree itself, which passed Dec. 22. 1789, and is printed with an additional article, fixing the number of Departments at 83, on the 15th of January 1790. Had Mr. Burke taken the trouble to read this decree, or the ample *instructions* annexed to it, he could never have committed such mistakes as he has done on the subject. The whole system is there

* Proc. Verb. Tom. XIII.

clearly

clearly delineated. The 21st Art. of Sect. 1. declares expressly, "There shall be but *one* degree of election between the Primary Assemblies, (of all the Active Citizens), and the National Assembly;" and in the *Instructions*, Sect. 3. it is observed, "Thus the subdivision into *Departments* and *Districts* is of no utility or application to the mode of election to the *Legislative Body*. The spirit which dictated this disposition (in the 21st Article just noticed) has acted with a view to preserve more completely the purity and reality of the Representation, by rendering the influence of the Representatives on their Representatives more direct and immediate."

The general system of the new Government of France I have endeavoured to exhibit in the *Chart* already mentioned. Imperfect as it is, being the first of the kind yet attempted, I hope it will not be without its use. I have mentioned in it only those regulations which are meant to be *permanent*. In the election of the ensuing legislature, there will unavoidably be some variations; but I did not think it necessary to notice them, as they will never exist again.

The INHABITANTS of France are divided into — I. The *KING*. — II. The *PEOPLE*, being Natives, or naturalized. — III. *FOREIGNERS*.

The *KING* shall be the subject of my next letter. At present I pass on to the *PEOPLE*, being Natives, or naturalized, who are divided into,

I. *ACTIVE CITIZENS*, or such as

1. Are born Frenchmen, or have been naturalized.

2. Have been inscribed at the age of 21 years in the List of Citizens of the Canton, formed annually by the Primary Assemblies; and have at that Time taken the civic oath of fidelity to the Constitution, the Laws, and the King.

3. Have completed 25 years of age, and then been inscribed in the List of *Active Citizens* kept by each Municipality, and have taken the patriotic oath, before the President of the Administration of the District, binding themselves “to maintain
“with all their power the Constitution of
“the Kingdom, to be faithful to the Na-
“tion, the Law, and the King, and to
“fulfil with zeal and courage the civil
“and political functions that shall be en-
“trusted to them.”

4. Have

4. Have resided in the Canton at least a year.
5. Who pay in direct contributions*, the local value of three days labour† in any part of the kingdom. *N. B.* This payment cannot exceed 60 sous, or 2s. 6d. ‡

II. *PASSIVE CITIZENS*, or such as

1. Are paupers, beggars, vagabonds, or subsist on charity.
2. Domestics, or servants who receive wages, and are supposed to be under the controul of their masters.
3. Bankrupts and insolvent debtors of every kind.
4. Children of bankrupts, who have received any part of the fortune of their parents, without paying their proportion of their debts, unless they are married, and have received their dowry before the insolvency of their parents was known. The pro-

* *Direct Contribution*, is that part of the public taxes, either landed or personal, which a man pays on his own account, and which falls ultimately upon himself, in opposition to those taxes which are paid on articles of commerce or consumption, &c. which being considered in the price, fall ultimately not on him who pays, but on them who consume.

† *The local value of a day's labour*, is the amount of wages paid to a day-labourer in the fields, in any particular place. This is said to be considerably different in different parts of France, but is restricted not to exceed 20 sous (10d.)

‡ Decree, Dec. 22 1789.

portion of his father's debts payable by every child, is that part which he would have been obliged to pay, if he had inherited of his father. When he shall have paid this, he may be restored to the class of Active Citizens. (Dec. 22. 1789.)

III. *FOREIGNERS,*

Or those born out of the kingdom, of foreign parents, who are established in France, are naturalized, and reputed Frenchmen, on taking the civic oath to qualify themselves for exercising the rights of Active Citizens, after five years continued residence in the kingdom, if they have besides either acquired immoveable property, or married a French woman, or formed an establishment of commerce, or received in any town letters of freedom, (*Bourgeoisie*), especially in the departments on the frontiers, maritime towns, &c. (Dec. 22. 1789)

We now come to the general organization of the Government.

The *ACTIVE CITIZENS* of each Canton, and considerable Town, assembled together, form

*The PRIMARY ASSEMBLIES, I. I.**

Of which there must be at least one in each Canton,

* Decree, Dec. 22. 1789.

Canton, 1. 11, as near as possible to 600 in number, and never less than 450, 1. 13.

When there are not 900 Active Citizens in a Canton, they form but one Primary Assembly, 1. 12.---900, and upwards, form 2, each of 450 citizens at least, 1. 12.—1050 and upwards, form 2 Assemblies, one of 600, and one of 450 or more, 1. 13.—1400, and upwards, form 2, one of 600 or more, and one of 800, 1. 13.—1500, and upwards, form 3, 1 of 600, and 2 of 450 or more, 1. 13.

In TOWNS

of 4000 inhabitants, there is 1 Primary Assembly, 1. 14.

Below 8000 - - - - 2

—— 12000 - - - - 3, &c. *ib.*

FUNCTIONS.

1. On assembling, after taking an oath “to support the Constitution, to be faithful to the Nation, the Law, and the King, and to chuse those most worthy of public confidence to fulfil the duties of their stations*,” they elect their President and Secretary, by *individual choice*, and *absolute plurality* of

* December 30. 1789.

*voices**. Before this the oldest member acts as President, and the three next oldest as Scrutineers, 1. 15. They write for such as cannot do it themselves.

2. They elect three Scrutineers for all their subsequent deliberations, by a single scrutiny of a list of three names, 1. 16.

3. They chuse the members of the Electoral Assemblies of the Departments, out of all the Eligible Citizens in the Canton, 1. 18; one Elector for every 100 to 150 Active Citizens present or absent †, and 2 for 150 and

* The terms describing the mode of election, may want some explanation:—

Scrutin individuel, which I have translated ‘*by individual choice*,’ denotes an election, where, though several persons are to be chosen, they are elected not all at once, but one by one.

Liste simple, or a single list, denotes an election, where several persons to be elected are chosen at once, by a list of their names.

Liste double, or a double list, is where twice the number of names to be elected are put down, and then that half chosen who had the most voices on the whole.

Absolute plurality of voices, is where the *majority* of an Assembly vote in favour of a person.

Relative plurality, is where several persons are to be appointed at once, either by a single or double list; in which case, a man may have a relative plurality of voices, that is to say, more for him than for his competitor, and hence be elected, although he has not an absolute plurality of the voices of the whole Assembly.

† The regulation which appoints one member of the Electoral Assembly for every hundred Active Citizens, extends to such citizens as are absent; for if they will not attend their duty, the right of voting for them falls to those who are present,

upwards,

upwards, 1. 17, by a single scrutiny of a list double the number to be elected, 1, 20.

4. They elect the Judges, or Justices of *Peace* of the Canton, or of Towns exceeding 2000 inhabitants, by individual scrutiny, and absolute plurality of voices, out of the citizens eligible to the Departments and Districts in each, and his *Assistants* out of the Active Citizens of the Canton or Municipality. (Aug. 16. tit. 3.)

N. B. Those Citizens who have once exercised their rights in a Primary Assembly, cannot repeat it, nor take any part in another. (Inst. f. 2.)

Every Active Citizen must present himself in person. No proxy is allowed in any assembly whatever. (Inst. f. 2. and Dec. art. 9. f. 1.)

The ELECTORAL ASSEMBLIES of the Departments are composed of

1. *Active Citizens.*
2. Who pay in direct contribution the local value of 10 days labour annually, 1. 19*.

* If an Electoral Assembly be too numerous, it cannot divide into two independent Assemblies; but, to quicken its operations, it may divide into Sections or Bureaus, of at least 100 each, who must incorporate all their votes and proceedings, so as to preserve unity of will. May 28, 1790.

FUNCTIONS.

1. Assembled in the chief places of the districts by turns, they elect their President, Secretary, and three Scrutineers, as these are ordered to be chosen in the Primary Assemblies, 1. 23. and 24. †

2. They elect the Members of the National Assembly, by individual choice, and absolute plurality of voices. When the first scrutiny does not determine the election, by an absolute plurality, a second shall be made, and if need be, a third, which shall be confined to the two persons whom the Scrutineers announce to have obtained the greatest number of votes in the Assembly. If this does not decide it, the oldest of the candidates shall be preferred, 1. 25. The number of the Members of the National Assembly to be equal to

† N. B. They take the civic oath, and before commencing the scrutinies, the President of each Assembly or Bureau, pronounces this formula: "You promise and swear to name only those whom you shall have chosen in your heart and conscience, as most worthy of public confidence, without having been determined by gifts, promises, solicitations, or threats." This formula, legibly written, shall be exposed at the side of the vase in which the votes are collected; and each citizen, on putting in his paper, lifts up his hand, and says, "I swear it." May 28. 1790.

They meet without arms or staves. May 28.

No Member of the National Assembly can act as a Member of the Electoral Assemblies. May 14.

that

that of the Departments multiplied by nine.

1. 26. (Hence 83 Departments should give 747; but Paris having but one Deputy for its territory, in place of three, makes it 745); of which one third are chosen to represent the territory, another third to represent the population, and the remaining third to represent the sum of direct contribution. 1. 27.

Each Department chooses three, and Paris one Deputy to represent its *territory*, in all 247. 1. 28.

The amount of the population of the kingdom divided into 249 parts (the number of departments multiplied by 3) gives a number for which a Deputy is to be elected; and each Department elects as many Deputies as it contains of these numbers, to represent its *population*---in all 249, 1. 29.

The amount of direct contribution being similarly divided, shews how many Deputies each Department shall elect, to represent its *property*---249---in all 745.

3. They elect the *Supplying Deputies*, by scrutiny of a double list, and relative plurality of votes. The number of Supplying Deputies to be equal to one third of the members elected, whose place they are to take in case of death or dismission, 1. 33.

4. They

4. They elect the 36 members of the Assembly of the Department, 2. 2. out of the Eligible Citizens of all the districts of the Department, so as to have at least two Members of each District, 2. 4. by three scrutinies of a double list, adopting at each scrutiny those who have an absolute plurality of voices, and filling up the remainder from those who have a relative plurality, 2. 11.

5. They elect a Procureur-General-Syndic of the Department, by individual choice and absolute plurality of voices, 2. 14.

6. They elect the Criminal Judges of the Department, out of the Civil Judges of the Districts; also the Public Accuser, and Secretary of the Criminal Tribunal. Jan. 20, 1791.

7. The 166 Members of the High Jury of the High National Court, two Jurymen for each Department.

8. The Bishop of the Department, out of Ministers who have held an inferior office in the church for fifteen years.

9. That Section of them which belongs to each District, assembled in the chief place of the District, elects the twelve Members of the Assembly of the District, 2. 3. out of the Eligible Citizens of all the Cantons of the District,

District, 2. 5. in same manner as the Members of the Assembly of Department are directed to be chosen above, 2. 11.

10. The same elect a Procureur-Syndic of the District by individual choice and absolute plurality of voices, 2. 11.

11. They elect the Curés or Ministers of Parishes in the Districts, out of Clergymen who have performed the duties of Vicar to a Minister for five years. July 12, 1790.

12. They elect the Civil Judges of the Tribunals of the Districts, out of those men who unite the conditions of eligibility for the office of Judge and Procureur-Syndic. Aug. 16, 1790.

The ASSEMBLIES of the DEPARTMENTS are composed of

1. *Active Citizens.*

2. Who pay in direct contribution, at least the local value of ten days labour. Dec. 22, 1789. 2. 6.

3. Are permanent.

4. Have half their Members renewed every two years, first by lot, and afterwards in their turn by age. 2. 12.

They

They have in each a Procureur-General-Syndic, 2. 14. who remains four years in office, and may be continued four years more, but cannot afterwards be re-elected till an interval of four years. 2. 15. They hear every report, and are present at every deliberation of the Assembly, but have no vote there. 2. 17. They are present also at the Directories, and have a consulting voice there, and are charged with the execution (suite) of all affairs. 2. 18.

They are divided into

I. *The Council of the Department*, 2. 20. (the first may be of six weeks, the others not more than a month, 2. 21), who shall hold an Annual Assembly, without need of convocation. March 5, 1791.

To fix the rules for each part of the administration. 2. 21.

To determine the operations and expence of the department in general. *ib.*

To receive an account of the management of the Directory, *ib.* at the beginning of each session, after which the members of the Directory shall be admitted and have a vote. 2. 24.

II. *The Directory of the Department*, 2. 20. composed of eight Members, elected out of the
the

the others at the end of their first session, and renewed in half every two years. 2. 23. The President of the Assembly of the Department may preside at all their meetings; but they may elect a Vice-President of their own. 2. 23. They are always in activity for the execution of business, and give in an account once a year of their management, to the Council of the Department, which is to be printed. 2. 22.

FUNCTIONS.

1. They elect their President and Secretary by individual choice and absolute plurality of voices. 2. 19. N. B. The President may be renewed every Session, or the old one re-elected. Jan. 16, 1790.

2. They elect the eight Members of their Directory, as above. 2. 16.

3. They elect a supplying Member to the Procureur-General-Syndic, in case of his being sick, &c. 2. 16.

Half the Departments of the kingdom, by turns, elect the 42 or 41 Members of the *Tribunal de Cassation*, or Court of Annulment, out of Judges 30 years of age, &c. Nov. 27, 1790.

The salaries of the Directors of the Department are,

In

In towns below 20,000 inhabitants, the
 eight Members of the Directory, 1600 livres
 The Procureurs General-Syndics, 3000
 The Secretaries, - - - - 1500

In towns from 20 to 60,000, they have
 2000, 4000, and 2000 livres.

And in towns above 60,000, 2400, 5000,
 and 2500 livres.

But from this allowance is to be deduced
 300 from 900---450 from 1200---600 from
 1500---700 from 1800---900 from 2000---
 and 1200 from 2400; to be formed into a
 fund for *Droits d'Assistance*, to be distributed
 amongst the Members actually present and
 on duty at each meeting. (Dec. Sept. 2. 1790.)

The ASSEMBLIES of the DISTRICTS
 are composed of

1. *Active Citizens.*
2. Who pay in direct contribution, at least
 the local value of ten days labour, Dec. 22,
 1789, 2. 6.
3. Are permanent.
4. Have Half their numbers renewed
 every two years, first by lot, and afterwards
 in their turns by age, 2. 12.

They

They have in each a Procureur-Syndic, 2. 14. who remains four years in office, and may be continued other four years, but cannot afterwards be re-elected till an interval of four years, 2. 15. These hear every report, and are present at every deliberation of the Assembly, but have no vote there, 2. 17. They are present also at the Directories, and have a consulting voice there, and are charged with the execution of all business, 2. 18.

N. B. By a decree, Nov. 3, 1790, the District of Paris is to have no Administration of District; but the Administration of the Department, after having named their Directors, shall, out of the twenty-eight remaining Members, chuse five Commissaries, to fulfil their functions, in case of need.

They are divided into

I. *The Council of the District*, who hold an annual meeting for fourteen days only, to commence a month before that of the Council of the Department, 2. 29.

II. *The Directory of the District*, composed of four of the members, 2. 25.

Both to be elected and regulated exactly as the Councils and Directories of the Department, to whom they are entirely to be subjected,

jected, and indeed to act exactly as sections of
2. 27. 28. 30. 31.

The salaries of the Directors of the Districts are *,

In towns below 20,000 inhabitants,

For the four Members of the Directory
900 livres.

The Procureurs-Syndics 1600

The Secretaries 1200

In towns from 20,000 to 60,000, the same persons have 1200, 2000, and 1500 livres.

And in towns above 60,000, they have 1500, 2400, and 1800 livres.

Deductions similar to those made from the Directors of the Department, are appointed here to form a fund for *Droits d'Assistance*.

Functions—1. They elect their President by individual choice and absolute plurality of votes, 2. 19. May chuse a new President every session; but the old one may be re-elected. Jan. 16, 1790.

2. They elect the four Members of their Directory as above, 2. 16.

3. A supplying Member to the Procureur-Syndic, in case of his being sick, &c. 2. 16.

* Dec. Sept. 2, 1790.

FUNCTIONS or *Duties*, common to both Assemblies of Department and District.

1. The Assemblies of Departments fix the Quotas to be paid by each District, of the direct contribution laid on each Department. The Administrations of the District fix, in like manner, the Quotas of each Municipality. All other matters respecting taxation are referred to the management of the Assembly of the Department, 3. 1.

2. They attend to the state of the poor, and to beggars and vagabonds; to hospitals, work-houses, alms-houses, prisons, &c. &c.; to the public education and progress of knowledge; to the employment of the public funds destined to encourage industry, agriculture, arts, &c.; to the preservation of the public property, forests, rivers, bridges, roads, canals, churches, &c. &c.; to the maintenance of public tranquillity, safety and health; to the employ of the militia, &c. 3. 2.

3. The Administration of the Districts act in all these under the Administration of the Departments, and both in subjection to the Decrees of the National Assembly, sanctioned by the King, 3. 3, 4. Nothing new can be attempted by them without the King's sanction, 3. 5. Especially, they shall borrow no

N

money,

money, nor impose any tax, without the royal acquiescence, except for mere local purposes, 3. 6.

4. They review, and finally pass the Accounts of the Municipalities.

N. B. In all public ceremonies, the Municipal Officer, and Administrations of Departments and Districts, have the right of precedence over civil and military bodies. Dec. 30, 1789.

Judges and Officers of Justice may be chosen Municipal Officers, or of the Administrative Assemblies; but if they accept, cannot hold their former places also. Dec. 30.

Administrative Assemblies are to call their decisions by the name of Deliberations, not Decrees. Afterwards it was changed to Arrêtés *. June 24, 1790.

* By a decree of March 3, 1790, it is enacted, That the Acts of the Districts and Departments shall be termed *Arrêtés*.

Each shall be signed by all the Members present, who shall have voted for the deliberation; but the copies of it forwarded shall contain only the names of the President and Recorder.

Members of the *Councils*, who die or resign, shall not be replaced till the epoch of the ordinary election.

Members of the *Administrations* cannot be re-elected till an interval of two years.

The Annual Session of each Council or Department shall take place *without Convocation*.

Every year they shall send to the King the Procès Verbal of their Session, one for himself, and one for the National Assembly.

The

The NATIONAL ASSEMBLY is composed of Active Citizens, who pay in direct contribution, a sum equivalent to a marc of silver, (or about 42s. annually) and have besides some landed property. Dec. 22, 1790.

By the decree of July 29, 1789, is to have,

I. One President, who continues in office a fortnight, and is not eligible again till after an interval of a fortnight.

II. Six Secretaries, who form in concert the *Procès-Verbal*, or Journal of the Assembly's proceedings, dispatch letters, &c. Half of them, consisting of those who have been longest in office, go out every fortnight.

The morning Session begins at 8 o'clock. Two hundred Members must be present. But, March 22, 1790, it was postponed till 9, and on Sundays till 11, to give the Members an opportunity of previously going to church*.

The

* The urgent nature of their situation and business, justified the French Legislators, in suspending the observance of Sunday as a day of *rest* from ordinary labours. But such a practice will not probably be continued. The ensuing Legislature will renew the respect so justly due, to one of the most *ancient*

The President commands silence by ringing a bell, and all public signs of approbation or disapprobation are forbidden, but at such a crisis, and when men's passions, interests, hopes and fears were so deeply interested, it was to be expected from human nature, that these rules, though proper to be made, could not always be observed.

They have adopted from us the term *motion*, for a measure proposed to consideration. Every motion must be seconded by two persons, and the Assembly must then decide, whether there is, or is not, occasion to deliberate on it. No Member is to speak above twice on a motion, without express permission of the Assembly.

Oct. 1, 1789, it was decreed,
 The Assembly is permanent—
 Shall be composed of one chamber only—
 Each Legislature to continue two years—

and most *venerable* institutions that exist in civilized society. The excellence of Sunday as a *political* institution, had scarcely been questioned by those who paid no regard to it in a *religious* light, till lately that some rash and thoughtless writers attacked it in the *Theological Repository*. Dr. Priestley summed up all their arguments, and replied to them with such ability as entitles him to the thanks of every man of piety, and still more of every man of *humanity*.

Then

Then the whole Members to be renewed †—
The legislative power resides in the National
Assembly—

The creation and suppression of offices belongs to them—

No tax can take place, but in consequence of one of their decrees.

Nov. 16, 1789.

They shall hold three evening Sessions—on Tuesday, Thursday, and Saturday, to be occupied in provincial affairs, and things not of general consequence.

May 22, 1790.

The right of determining on war or peace belongs to them.

If the executive power have commenced hostilities without sufficient cause, they shall prosecute the Ministers who advised it, as criminals of lese-nation.

If, during war, they think a peace should be made, the executive power shall immediately take the proper measures to produce an accommodation.

Treaties of peace, alliances, commerce, &c. formed with Foreign Powers, though signed by the King, are not binding, till revised and approved by them.

† Not as some have thought, that they must all be *new members*.

Sept. 2, 1790.

Members of the National Assembly cannot be elected *Judges*, nor of the administrative bodies, if they are absent from the National Assembly, and present in the Departments where the election took place.

Their salaries are 18 livres per day, (15s.)*

MUNICIPALITIES.

The MUNICIPAL ASSEMBLIES, as they form the last link in the chain of executive power, might have been treated of before the Assemblies of District and Department, to which they are subordinate. But I have

* April 7, 1791. It was decreed, that no Member of the Legislative Assembly, during his functions, nor for four years after, should receive any *place, pension, gratification, or commission* of any kind, from the Executive Power—and that they should not solicit any place, either for themselves or *others*, under a severe penalty. Mr. Bouche got the first provision extended to the Tribunal of Annulment, to the High National Court, and High Juries. These regulations appear to me *excessive*; but if they cannot be entirely vindicated, some apology may however be made for them. The French Legislators conceive it of the last importance, to prevent the *confusion of powers*—to keep the legislative and executive *wholly distinct*—that thus there may be as equal division as possible of offices amongst the citizens, according to their several talents—that all engrossing of power may be prevented—and that, at least so far as government is concerned, there may be no room for corruption, nor any temptation to lead the citizens to swerve from their duty and betray the interest of the community.—The *intention* then is good, and experience will shew whether the means are *proper*.

followed

followed the order of the Chart, and discussed previously the organization of all those Assemblies which flow from the *Primary Assemblies*, through the medium of the *Electoral Assemblies of the Departments*.

In treating of the Municipal Assemblies, we are obliged as it were to begin anew, because we must recur to the Active Citizens, in their individual capacity. I shall enter a little more minutely into their organization than otherwise I should have done, as the subject is at this time more than usually interesting to us. The Constitution of the Municipalities in most parts of this country, stands much in need of a reform; and in Scotland, it is so peculiarly vicious and absurd, that I think it is impossible it can subsist for any length of time. The number of those who wish for a reform, is constantly increasing; and their complaints, being founded on reason, must soon be attended to.

The *ACTIVE CITIZENS* of each town, burgh, parish, or community, elect

*The MUNICIPAL ASSEMBLY**.

If no more than 4000 inhabitants, including women and children, the Active Citizens form only one Assembly.

* See the Decree, Dec. 14, 1789.

From 4000 to 8000, two.

From 8000 to 12000, three, &c.

But these are only different sections of the same Assembly.

They are publicly summoned by the old Municipality, eight days before their meeting.

They elect a President and Secretary, by relative plurality of votes at one scrutiny, collected by the three oldest Members.

They then elect, in the same way, three new Scrutineers for their future proceedings.

They elect (after the civic oath) the new Municipality, out of those Active Citizens who have the conditions of eligibility to the administration of the Districts and Departments; but near relations, as father and son, father-in-law and son-in-law, brother and brother-in-law, uncle and nephew, cannot be at once Members of the same Municipality.

Those who occupy places of judicature, or are employed in the collection of indirect taxes, cannot be Members of a Municipal Assembly.

They elect the *Mayor*, or Chief of the Municipality, by absolute plurality of votes: if the first Scrutiny does not give the plurality, they proceed to a second, or to a third, in
which

which the choice falls between the two citizens who had before most votes ; and if there be after all an equality of voices, the oldest shall be preferred.

They elect the other *Members of the Municipal Body* by scrutinies of a double list ; and those who at any scrutiny shall obtain an absolute plurality of votes, shall be declared duly elected, and so on until the whole are filled up.

These Municipal Officers must be elected out of the Eligible Citizens of the District.

Including the Mayor, their number is three when the population is below 500,

6	where it is from	500 to	3000
9	—————	3000 to	10000
12	—————	10000 to	25000
15	—————	25000 to	50000
18	—————	50000 to	100000
21	for all above.		

Paris has a particular regulation for itself.

In each Municipality there are elected by scrutiny and absolute plurality of voices, a Procureur of the Commune, or Solicitor ; and in towns of more than 10000 inhabitants, a Substitute to do his duty in case of accidents ; neither of whom shall have any deliberate voice.

They

They elect, by a single scrutiny of a list, and relative plurality of votes, a number of *Notables*, double that of the Municipal Officers, which two united shall form the *Council General*. The Council shall elect a *Secrétaire-greffier* (a clerk or recorder), who shall take an oath to fulfil his duty faithfully, and may be removed when a majority of the Council shall think it proper.

They may also elect a Treasurer on similar principles.

Wherever the Municipal Body is composed of more than three members, it is divided into a *Bureau*, composed of one third of the Municipal Officers, the Mayor being always included in the number, and a *Council* composed of the other two thirds.

The Members of the Bureau are chosen by the Municipal Body annually, and may be re-elected for a second year.

The Mayor, where the Municipal Officers do not exceed three, and the Bureau in the others, take the charge of conducting business.

The Council must assemble at least once a month, to review the accompts of the Bureau when it is necessary, and two thirds of them at least must be present for this purpose.

After

After that, the Members of the Bureau are admitted to sit and vote with them.

All other deliberations are to be taken by the Council and Bureau united, and for this purpose a majority of the Municipal Body must be present.

In towns of above 25000 inhabitants, the Municipal Body may subdivide itself into sections, at pleasure.

The Municipal Body and the Notables are elected for two years, and renewed in Half every year.

The Mayor may be elected for a second two years, but not again till an interval of two.

The Solicitor and his Substitute may be also ; but one or other must be changed alternately every year.

The Elective Assemblies are to be held annually the Sunday after Martinmas, and after having finished their elections, must be dissolved ; nor can they re-assemble unless summoned by the Council General, who shall be obliged to summon them, if required by a sixth part of the Active Citizens, where there are not 4000 inhabitants, or by 150 in the others.

They

They shall be summoned also at the death of the Mayor, or the Solicitor, or his Substitute, to appoint another.

When a Member of the Council dies or demits, or is deprived of his place, or passes into the Bureau, his station shall be filled by one of the Notables who obtains most votes.

The Members of the new Municipal Bodies shall take an oath before the old ones, to maintain the Constitution, to be faithful to the Nation, the Law and the King, and to fulfil their duty properly.

FUNCTIONS.

1st. *Municipal.* Under the superintendence of the Administrative Assemblies, to manage the revenues and possessions of the towns, communities, &c.

To regulate local expence.

To direct public works.

To give the inhabitants all the advantages of a good police, especially cleanliness, wholesomeness, and tranquillity in the streets, public places and buildings.

2d. *General.* Delegated from the Administrative Assemblies.

The laying on, raising, and paying in to the treasuries of the District and Department,
the

the amount of direct taxes payable by the community ; the immediate direction of public works ; the management of public establishments ; the superintendence and preservation of public properties, including churches, and all that belong to religion.

They have the right to require the aid of the National Guards, and other public forces, according to rules hereafter to be prescribed.

The Members of the Municipal Body, the Solicitor and his Substitute, cannot at the same time exercise the functions of the National Guard.

The Council shall be summoned as often as the Municipal Administration shall judge proper, and must be present whenever there is any deliberation

On the acquisition or alienation of immoveable property ;

On extraordinary taxes for local expences ;

On borrowing money ;

On public works to be undertaken ;

On the employment of the price of sales, of reimbursements, &c.

On law-suits to be engaged in, or carried on, &c.

All the accompts of the Municipal Bureaus, after being passed by the Council, shall be reviewed by the District, and finally by the Department.

In all towns of more than 4000 inhabitants, the accompts of the Municipal Administration, of receipt and expenditure, shall be *printed* every year.

In all communities the Active Citizens may at any time take copies at the Register-Office, of any accompts or deliberations of the Municipality they chuse, without removing them, and free of expence.

Every Citizen conceiving himself injured by the Municipality, may complain to the Department, who shall order the District to investigate the matter. This plan must also be adopted in cases of mal-administration, before having recourse to Courts of Justice.

The Active Citizens may meet, unarmed, peaceably, to draw up addreses or petitions of any kind to any Public Body, if they give notice to the Municipal Officers of the time and place of their assembling, by a deputation of no more than ten of their number.

N. B. In public ceremonies, the Municipal Officers take precedence of civil and military corporations. Dec. 30, 1789.

No

No man can exercise at the same time, in the same city and community, municipal or military functions. Dec. 30, 1790.

Judges, and Officers of Justice, may be chosen of the Municipal Body ; but if they accept, cannot retain their other places. Dec. 30. 1789.

When employed in public functions, the Mayor and Municipal Officers are to wear a scarf or sash over their shoulders, of the three National Colours, blue, red, and white, tied by a knot below, and adorned with a fringe of gold colour for the Mayor, white for the Municipal Officers, and violette for the Procureur of the Commune. March 20, 1790.

MUNICIPALITY of PARIS.

The metropolis of the kingdom, from its immense comparative magnitude, and other circumstances, required a peculiar regulation. This was accordingly fixed by various Decrees, collected together in one mass, the 21st of May 1790.

The Municipality is composed of a Mayor, 16 Administrators, 32 Members of the Council, 97 Notables, and a Procureur of the Commune, with 2 Substitutes, besides a Clerk or Secretary, 2 Assistants, a Keeper of Records, and a Librarian.

The city of Paris is divided into 48 Sections, as equal as possible with respect to the number of Active Citizens contained in them, forming as many Primary Assemblies. When it is required to chuse the Members of the Departments or Districts of Paris, or its Deputies to the National Assembly, if the number of Active Citizens in a Section exceed 900, it has two Primary Assemblies.

The Council-General of the Commune consists of the 97 Notables, and 48 Members of the Municipal Body are called together on important occasions.

The 48 Members of the Municipal Body are divided into the *Bureau*, consisting of the Mayor, and 16 Administrators: the last, elected out of the 48 Members of the Municipal Body by the Council-General, holds a meeting thrice a week.

The functions of the Bureau are divided into five classes:

1. That of subsistences.
2. That of police.
3. That of domains and finances.
4. That of public establishments in Paris.
5. That of public works.

These are to be divided amongst the different Administrators, who, with the Mayor, give a summary account of their management

ment every two months to the Municipal Council : they have their accompts verified every half-year by the same, and, finally, at the end of two years, submit them to the Assembly of the Department.

The *Council of the Municipality* is composed of the other 32 Members of the Municipal Body, and meets at least once a fortnight to examine the accompts of the different Departments of the Bureau.

The Mayor is Chief of the Municipality, President of the Bureau, of the Municipal Body, and Council General, and has a deliberative voice in all the Assemblies ; may assemble the Bureau when he thinks proper, may suspend their deliberations, or those of the Departments, when he thinks them wrong ; but must convoke, in 24 hours, the Bureau, or the Municipal Body, &c. for their advice. He has a casting vote, where the voices are equal, in the Bureau ; but those who differ from him, may appeal to the Municipal Body.

Each of the 48 Sections has a *Commissary of Police* always active, and sixteen Commissaries of the Section to assist him, elected for two years, and re-eligible, who shall meet every week, and, on other occasions, when necessary, to aid and support the general system

system of the Municipal Government. One of them, by turns, shall remain 24 hours in his house, that the citizens may always have some person to have recourse to, in case of need.

Persons arrested in acts of criminality, shall be conducted to the Commissary of Police, who, if they are not housekeepers, may be sent to a house of safety (*maison d'arrêt*) by his single authority; but if a housekeeper, cannot be committed without the concurrence of one of the Commissaries of the Section. ---In 24 hours the examination of the person arrested must take place.

The other articles of consequence, are nearly the same for Paris, as the rest of the Municipalities.

Thus it appears, that the Legislative Government in France proceeds by *Primary Assemblies, Electoral Assemblies, and a National Assembly* — the Administrative and Executive Government, by *Municipalities, Assemblies of Districts, Assemblies of Departments, and the King*.

It was highly proper that the two should be kept *distinct*, because their functions and duty are distinct; yet as they must often interfere, and as the nation is *one*, it was equally proper

per

per that there should be links of connexion between them, and that though *distinct*, they should not be *independent* of each other. This is wisely provided for, by making the superior Provincial Assemblies derive their power, not from the *Municipalities*, the lowest order of their own kind, but from the *Electoral Assemblies*. It is thus that the foundation is laid, for a wise and necessary harmony, between the highest Legislative and the highest Provincial Assemblies; for it cannot be supposed that the same Electors would place in the Department, men hostile to those they had previously placed in the National Assembly.

For the same reason, there is little ground for the fears of some people, that the *Assemblies of the Departments* would become too powerful, and degenerate into great aristocratic bodies. The origin of the power of their Members, you see, is entirely *popular*, and the continuance of its existence depends on the *general will* or the voice of the *people*. Still less reason is there for Mr. Burke's idea that France is divided into 83 independent republics. The National Assembly, and the Assemblies of the Departments, are children of the same parent, they are all brethren; the National Assembly is only a great Department,

the Departments small National Assemblies. They are subjected to the King in every operation of any importance. Trifling local arrangements they may regulate. Such are out of the Monarch's knowledge, and below his attention; but they cannot, without his consent, adopt any new measures, nor borrow any money, or impose any tax, without that of the National Assembly. For as the appendix to the Decree most justly observes—the State is *one*—the Departments are only Sections of a *whole*—If independent administrative bodies had a power, according to their fancy, to act, command, and change, the contrariety of their partial moments would destroy the general harmony of the machine, and produce the most dreadful anarchy. Thus reasoned the Legislators of France. They had anticipated all Mr. Burke's sage counsels.

The three bases on which all representation ought to be founded, are,

1. Extent of *Territory*;
2. Amount of *Population*;
3. Sum of *Property*.

By endeavouring to combine all the three together, the Assembly have given a proof of the originality and correctness of their ideas of political œconomy; and if their plan succeed,

ceed, as there is every reason to hope, they will have carried representation farther than any people have done before, and have advanced it as near to perfection as the condition of man will permit.

Inequality, you will observe, cannot take place in this system. It is fortified even against the changes of events, and the destructive hand of time. There cannot be in France great cities that send no representation at all, as with us; for the number of Deputies will regularly vary with the variations in population and property, which will always be perfectly known by the Registers of the Municipalities and Primary Assemblies.

By the VIIIth Article of the Decree, *Dec.* 22, 1789, it is expressly declared, that the Deputies elected in each Department, to the National Assembly, are not to consider themselves as the Representatives of that Department only, but as the Representatives of the whole of the Departments, that is, of the whole Nation.

By the IXth Article it is declared, that the Members of the Administration of the Department are not to consider themselves as representing only that District from which they

were sent, but all the Districts of their Department.

By the Xth Article, that the Members of the Administration of the District are not to consider themselves as representing only that Canton in which they were chosen, but all the Cantons in their District.

By the XIth Article it is provided, that they shall not be recalled, nor deprived of their powers, till after accusation, and judgment that they have forfeited them.

By the XIIth, that each Assembly shall be Judges of the titles of those who come to take their seats amongst them:— And by the XXXIVth Article of Sect. I. it is declared, that the Members of the National Assembly shall, after their Constituents have declared their confidence in them, by electing them as their Representatives, be entitled to act entirely agreeable to their own judgment, and shall not be constrained by any authoritative mandate from their Constituents. The Primary or Electoral Assemblies may at any time address their petition to the Legislative Body itself, and may solicit or advise, but not command their Representatives. Thus a point about which there are differences of opinion amongst us, is clearly decided in France,

France, and I think rightly decided. Let the people be careful in the choice of their Representatives, but let them repose full confidence in them when chosen; a man does not cease to be a rational being, when he becomes a Member of Parliament. He has still an understanding, a judgment, a conscience of his own; and to expect him to subject his faculties passively to the will of others, is to expect him to act both irrationally and immorally. It is to degrade him from the dignity of rational nature, and to make him no more than a speaking trumpet, to convey the voice of his constituents from the place of their residence to St. Stephen's Chapel.

By the XXXVth Article of the same Section, it is provided, that the Primary and Electoral Assemblies, immediately after having finished the election, shall discontinue their Sessions until the return of the period of election again.

To guard against the effects of engrossing power, by acting in various capacities at once, it is enacted, that no person employed in collecting indirect taxes, shall be at the same time a Member of the Administration of the Department and District. II. 7.—That no Member of the Municipal Body shall be at

the same time Member of the Administration of Department and District. II. 8.—That the Members of the Administration of the District, cannot be at same time Members of that of the Department. II. 9.—That those Citizens who fill offices of judicature may be Members of the Administration of the Department or the District, but cannot be appointed one of the *Directors* in either, the necessary attendance to the duties of both at once being conceived to be incompatible.

As there is but one degree of intermediate election between the original Electors, and the Members of the National Assembly, so also there is but one between them and the Members of the Administrative Assemblies. The necessity of this is expressly declared, Decree II. 1.; and similar reasons seem to have operated in both cases.

As the Members of the Administrative Bodies are renewed in Half every two years, it is evident, that after the first term all the Members will be four years in office at once, which seems a very proper space of time, neither too long, nor too short.

To the general utility of a new division of the kingdom, and the establishment of Provincial Assemblies, &c. M. de Calonne himself

self bears witness. "It is true," says he, "that
 " the Administrations of the Departments,
 " and other local Administrations which will
 " be gradually established under them, if well
 " composed, and where they shall be in full
 " exercise of their powers, will produce great
 " facility in the imposition and levying of
 " taxes in general, &c."* And with respect
 to his and Mr. Burke's criticisms on the mi-
 nuter parts of this system, I do not think it
 necessary to enter farther into the considera-
 tion of them: most of them are premature, or
 arise from a want of duly comprehending and
 considering the *whole* of the system. The
 few errors they have pointed out (if they be
 found to be errors) will be rectified, either
 when the Constitution is revised, or at a fu-
 ture period.

* Page 33.

LETTER

LETTER V.

THE KING, &c.

“ Proditorem appellant, et Principis hostem, qui nihil illi
 “ supra leges, ac præter equum, licere velit ; hoc est, qui illum
 “ optet vere Principem agere, et a tyranni imagine quam
 “ maxime velut abesse—*Aiunt auctam Principis majestatem, ubi*
 “ *tyrannidis aliquid accessit **.”

ERASMUS.

WHEN revolutions happen in a monarchical State, it has been usual to find the King deposed, as was the case in England, or destroyed, as has been the case in other countries. It is the peculiar glory of the French Revolution, that, being a revolt against *principles*, not against *persons*, it brought no

* “ They call every one a traitor, and the enemy of the King,
 “ who would have him to do nothing inconsistent with the
 “ laws or with justice, that is, who wish him to act really as
 “ a King, and to have no resemblance to a Tyrant—There
 “ are some who think the majesty of a Prince increased,
 “ where a little of arbitrary power is added to it.”

hardship

hardship on the latter, except where they opposed the former. Never was the fate of the Monarch more mild, during such a convulsion of the State, than that of Louis XVI. Mr. Burke, who on this subject has the faculty of viewing every thing *awry*, is blind to this. He does not see what is extraordinary and great in the case, but he sees what is common and trifling—the temporary inconveniences which the King suffered, at a time when all ranks of men were suffering, and which indeed were principally occasioned by his own want of steadiness, and occasional deviations from those principles which in general governed his conduct.

Nothing is more certain than that the King of France never had any such feelings as Mr. Burke ascribes to him. I am sure if he were to read the book, and names were omitted, it would never enter into his head that he was the person alluded to in it. Mr. Burke knows the character of Louis XVI. as well as I do ; but it did not suit his argument to speak of the real man : so he has made a *stage-person* of him, and ascribed to him sensations that he never felt, and which if he had felt, he would not have been placed in a situation where they would have been called forth.

It

It is fit, however, to inform those who may not know it, that the King, who is a benevolent good man, has been from the beginning a sincere friend to the Revolution. He was well convinced, before it happened, that his people were oppressed and unhappy. It was not he, but a set of worthless great men, who profited from that oppression. When the *livre rouge* was published, the amount of private expences disbursed for the King's personal use, was found to be very trifling. The King indeed was made the dupe in many instances, of that aristocratic cabal of profligate great men, who had got the power and revenues of the kingdom into their hands, and who employed them in a manner equally humiliating to the monarch, and oppressive to the people. This is the true state of the case—very different from Mr. Burke's account of it. In the subsequent charges respecting the regal power, Mr. Burke upbraids the people of France with a desire to insult a mild and gentle Monarch. The very reverse is true. No man wished to insult Louis XVI.: there is not a Prince in Europe more beloved by his subjects. But the Legislators of France wished to diminish the power of all Kings, so as to render it consistent with the

the

the happiness of their people. With *persons* they had no concern ; all their regulations pointed to *principle**.

“ It must be owned,” said Mounier, “ that
 “ our want of a Constitution in France has not
 “ been hitherto favourable to the Crown.
 “ Very often audacious ministers have abused
 “ its authority—how many times have plans,
 “ formed to promote the happiness of the peo-
 “ ple, experienced obstacles which have com-
 “ promised the Majesty of the Throne ? Has
 “ it not been forced to struggle incessantly,
 “ and almost always to a disadvantage, with
 “ the pretensions of (aristocratic) bodies, and
 “ a host of privileges ?” †

“ There are some (said M. Alexander de
 Lameth, Nov. 11.) who would persuade
 France, and all Europe, that the friends of
 Liberty are the enemies of Royalty ; but the
 real friends of the King are those who have
 destroyed the parliaments, the clergy *as an*
order, and have annihilated the remains of

* A Patriot might have said as Cæsar speaking of the abuses of power, “ Atque ego hæc non in M. Tullio (non in Ludovico XVI.) neque his temporibus vereor ; sed in magna civitate multa et varia ingenia sunt. Potest alio tempore, alio consule (rege), cui item exercitus in manus, &c.”

Sall. Bell. Cat. c. 51.

† Rapport du Comite du Constitution, p. 4. in Proc. Verb. tom. I.

feudality--these hideous monuments of ancient usurpations on the right of the Crown. The true friends of the King are those who have destroyed all the intermediate tyrannies which separated him from the Nation, and have established his grandeur on the sole and sacred basis of an alliance between the Throne and the People."

This was well illustrated by M. Thouret, in the debate on the residence of the Public Officers, March 28, 1791. By whom, said he, do we find now revived these maxims of ancient superstition towards royalty, which were never of any use, but to degrade the true majesty of Kings? By these *Nobles* who supported despotism, merely that they might be despots themselves, in the provinces under the name of *Commanders* and *Governors*, and in their domains under the various titles attached to the feudal tyranny--By that *Clergy*, who, in the consecration of our Kings, in the very words of the Liturgy, arrogated to themselves the right of *giving the Crown*, (*per hanc traditionem nostram*); and in exchange, obliged the King to swear to maintain their usurped privileges--By these Members of the Parliaments, who never granted the King absolute authority, but on condition

I

of

of his letting them have a share of it; who repeated continually that apothegm, “If the *King* will, and if the *Law* will;” because considering themselves as the *Law*, they thus contrived to put themselves on a footing with the Sovereign.

There are a party in France who wished for a pure Democracy, and who regret to this moment, that the Assembly did not at once annihilate the monarchical part of the government. But the Assembly were not of their opinion. They preserved the ancient form of Government, but corrected its abuses; they kept their King, but deprived him of the power of doing evil.

The Decree of October 1, 1789, contains these declarations:

The French Government is a Monarchy. There is not in France any authority superior to the Law. The King reigns by the law, and it is only in consequence of the laws that he can demand obedience.

Amongst the fundamental points of the Monarchy are these:—that the person of the King is sacred and inviolable---that the throne is indivisible---that the crown is hereditary in the reigning race, from male to male according to primogeniture, and to the perpetual

petual and absolute exclusion of females and their descendants.

Nov. 9, 1789. The title of the King was changed from King of France, to *King of the French*, and nothing is to be added to it.

June 9, 1790. His annual revenue for defraying his personal expences, and those of the Queen, the education of the royal children, establishments of his aunts, that of his sister, buildings, royal wardrobe, &c. guards, is fixed at twenty-five millions annually, besides the revenues of domains, parks and forests, of the royal palaces and country-seats, which, taken at a moderate computation, will be five millions more---in all, thirty millions of livres, or about 1,250,000*l.* The Queen's jointure four millions, 160,000*l.* annually.

Aug. 27, 1790. The Assembly having desired the King to mention what palaces, country-seats, &c. he wished to retain for his residence or pleasure, his Majesty, in a letter read that day in the Assembly, expressed his *final* determination on this subject, and named the *Louvre* and *Thuilleries* at Paris, and the palaces and seats of *Versailles*, *Fontainebleau*, *Compiègne*, *St. Cloud*, *St. Germain*, *Rambouillet*, and the *Chateau de Pau*, in the country.

The

The supreme executive power resides solely in his hands. He is the Supreme Head of the Army and Navy.

None of the acts of the Legislative Body can become laws, without the sanction of the Monarch, which is thus given: "*The King consents, and will make it be executed.*" Nov. 9, 1789.

He may refuse his sanction. This is termed the suspensive *Veto*, and thus expressed, "*The King will examine it.*" Nov. 9.

This suspensive *Veto* does not extend to *Articles of the Constitution*. These the King necessarily *accepts*, because he does not *make* the Constitution, but agrees to it as formed by the Nation. If he were *above* the Constitution, he would be an *arbitrary* Monarch, instead of a *constitutional* King.

The King's refusal is efficient until the second Legislature after that in which the law was proposed. Then, if the Assembly persist, it must become a law.

The King cannot make laws, even on temporary occasions, but solely issue forth proclamations conformable to laws already made.

Justice shall be administered in his name; but judicial power cannot be exercised in any case, either by him or the Legislative Assembly,

but solely by the Tribunals and Judges established by the laws.

He is to chuse his own *ministers, ambassadors* and *servants*.

By a decree of June 5, 1790, the salary of ministers is provisionally fixed thus:

The Chancellor or Keeper of the Seals 100,000

Controller-General of Finances - 100,000

Secretary of State of the King's

Household - - - - - 100,000

of War - 100,000

of Marine - 100,000

of Foreign Affairs 180,000

Other Ministers, and such as the King

shall think fit to call, to profit

from their talents - - - 80,000

By a Decree of March 10, 1791, the office of *Minister of Finances* is abolished.

The National Assembly decree taxes; and the

Assemblies of Departments, Districts, and

Municipalities, levy them on the people.

The Ministers of War, Marine, &c. demand

what is necessary, each in his department,

and are responsible for the application of it.

The Public Treasury is put under the manage-

ment of six Commissioners named by the

King, each of whom is particularly charged

with one of the following parts:

i. The

1. The daily receipts of money.
2. The expences of public worship, of the civil list, of foreign affairs, of bridges and roads, and miscellaneous articles.
3. The payment of the interests on the public debt, and pensions.
4. The expences of war.
5. The expences of the marine and the colonies.
6. The Treasurership, or accōmpt of the whole.

May 22. The charge of watching over the external safety of the kingdom, and of its possessions, belongs to the King. When urgent danger occurs, he is to take the necessary steps, and immediately to give notice of it to the Legislative Body; and if they are in vacation, they shall instantly assemble.

He is to form and sign all treaties of peace, alliance and commerce with foreign powers; but they are not binding, till ratified by the Legislative Body.

He declares war and peace, and makes all the preparations for them, after the Legislative Body have decided on the propriety of either. The declaration of war is in these terms: "*By the King of the French, in the name of the Nation.*"

Aug. 16. Justice is administered in the name of the King. Neither the Judges nor their Substitutes can act, till they have received from his Majesty letters-patent, thus conceived: "LOUIS, &c. ----- Whereas the
 " Electors of the District of ----- have
 " caused to be presented to us, the Procès-
 " Verbal of the Election which they have
 " made, in conformity with the constitu-
 " tional laws, of the person of Mr. -----, to
 " fulfil for six years the office of Judge of
 " the District of -----: We have declared,
 " and do declare, that the said Mr. ----- is
 " Judge of the District of -----; that
 " respect shall be paid to him in that capacity;
 " and that the public force shall be employed,
 " in case of need, for the execution of the
 " judgments to which he shall give his con-
 " currence, after having taken the oath re-
 " quired, and being duly installed in his
 " office."

The King also names all the ministerial officers of the law for life.

By a decree of March 28, 1791, Three articles were passed of a decree respecting the residence of those entrusted with public offices; by which it is provided, That,

I. The

I. The *Public Officers* (so I am obliged to render *Fonctionnaires Publics*, but the French term is more dignified than ours) shall be obliged to reside, during the continuance of their functions, in the places where they exercise them, if they are not dispensed from that for approved reasons.

II. The reasons cannot be approved, and dispensations granted to them, but by those Bodies of which they are Members, or by their Superiors, if they are not connected with Public Bodies, or by the Administrative Directories, in the cases specified by the law.

III. The King, the highest public officer, shall not remove to a greater distance than 20 leagues from the National Assembly, when sitting; but when its Members are separated, his Majesty may reside in any other part of the country. If the King goes out of the kingdom, and, after an invitation from the Legislative Body, will not return to France, he shall be deemed to have *abdicated Royalty*.

The Decree of the Assembly respecting the *Regency*, is just arrived as this sheet was printing, and is in substance as follows:

I. At the commencement of each reign, the Legislative Body, if not assembled, shall be obliged to assemble without delay.

II. If the King is a minor, there shall be a Regent for the kingdom.

III. The Regency of the kingdom shall belong in full right, during all the minority of the King, to his nearest male-relation who is of age, and in case of equality of relationship, to the eldest.

IV. No relation of the King, having the above qualities, can, however, be Regent, if he be not a Frenchman, and a native of the kingdom, and have not taken the civic oath, or if he be the presumptive heir to another crown.

As soon as the Regency shall have devolved to the Regent, his first function shall be to publish a Proclamation, containing his declaration of the constitutional oath, and a promise to renew it before the Legislative Body, as soon as it shall be assembled.

V. Women shall be excluded from the Regency.

VI. If, through any particular reason, the Regent is prevented from immediately beginning the exercise of his function ; or if, as is supposed in the 4th Article, the Regency should become elective ; the Ministers shall be obliged to perform provisionally, and on condition of responsibility, those acts of the executive

cutive power which shall be necessary for the government of the kingdom.

VII. For this purpose, the Ministers shall assemble in Council, to deliberate on all acts that exceed their ordinary power, &c.

VIII. The Regent shall swear to the Nation, in presence of the Legislative Body, to employ all the power delegated to the King by the constitutional law of the State, and of which the exercise is entrusted to him during the minority of the King, both to maintain the Constitution decreed by the National Constituent Assembly of the years 1789, 1790, and 1791, and accepted by the King, Louis XVI. to promote the execution of the laws.

IX. The Regent shall exercise all the functions of royalty, conforming himself to the rules established by the Constitution, and shall not be personally responsible for his acts in that capacity.

X. The laws, proclamations, and other acts of government, of regal authority during the Regency, shall be thus expressed: " N— (the Regent's name) Regent of the kingdom, in the name of N— (the King's name), by the grace of God, and the constitutional law of the State, King of the French, &c."

XI. When, by reason of the minority of of the relation who has a claim to the Regency, it shall have been settled by election, or shall devolve to a more distant one, the latter shall exercise its function only till the majority of the King.

XII. The King, at the age of 14 years complete, may be present in the council, but only for his instruction.

XIII. The King shall be major at the age of 18 years: from that day the Regent shall cease from all right, and the laws, proclamations, and acts of government, shall no more be announced in the name of the Regent.

XIV. As soon as the King becomes major, he shall announce, by a proclamation published over all the kingdom, that he has attained majority, and has entered upon the functions of royalty. That proclamation shall contain his (constitutional) oath, with a promise to renew it before the Legislative Body as soon as it shall be assembled.

Of the Guardianship of the King while a Minor.

I. The guardianship of the person of the King, while a minor, shall be entrusted to his Mother.

II. All

II. All other women are excluded from this guardianship.

III. If the King's mother is married again at the time when her minor son arrives at the throne, or if she re-marries during his minority, the guardianship of the King shall be transferred as afterwards.

IV. If the minor King has no relations who possess the qualities requisite to be his guardians, it shall be transferred to another elected by the Legislative Body; and provisionally, the Minister of Justice shall be charged to provide for the preservation of the person of the King, and remain responsible.

V. The National Assembly reserve to themselves to regulate by a particular law, what relates to the education of a minor King, or presumptive heir to the throne.

The QUEEN, by the new constitution, is not known as a public character*. No particular privileges are annexed to her condition in the State. *Maria Antonietta* of France, is thus limited to that sphere of domestic life, which *Charlotte* of England, to her immortal honour, has *voluntarily* chosen. The ancient

* Unless as provided for by a jointure of 4 millions
(£160,000) *per annum*.

Salic law, which excludes females from succeeding to the throne, was considered by the Assembly as a fundamental and wise regulation of the monarchy, which merited to be solemnly renewed, and permanently established. Thus this polite people, the most attached and attentive to the sex of any in Europe, have manifested superior wisdom, in shewing that they knew where to draw the line, and so to honour the sex as not to injure their *real* happiness, or endanger the welfare of society. They have rightly judged, in not raising them out of their natural sphere; in not involving them in the cares and anxieties of State affairs, to which neither their frame nor their minds are adapted; in not charging them with the weight of a sceptre, which they scarcely ever sway but in appearance—with true respect for the gentleness of their nature, and the delicacy of their sex, they have saved them from the horrid obligation of proclaiming war, and calling forth men to battle and bloodshed; with all the other unnatural and shocking circumstances that attend a reversal of the laws of Nature, by appointing women to rule over men.

I do not blame Mr. Burke's gallantry in speaking of the Queen of France as a fine woman; but as a great political character, in
 2 whose

whose conduct the happiness of mankind is interested, I beg leave to view her in a very different light from him. Of her behaviour to the King, her husband, before the Revolution, I might say something; but as truth is a libel, and Mr. Burke informs me there are prisons in England almost as strong as the Bastille, for those who libel, that is, for those who tell the truth of the Queens of France, I shall wave this part of the subject. I may, however, remark, that notwithstanding all the fortitude and dignity Mr. Burke ascribes to her in her misfortunes, she shewed none of those qualities at the beginning of the Revolution. Her conduct then resembled that of a forward and spoilt child, who cries and makes a noise at being deprived of play-things of which he was making a mischievous use. Since then, indeed, she has made a virtue of necessity; she has recovered some degree of dignity, and the native tone of her mind, which had been destroyed by flattery and folly; and when I left Paris, she used to come abroad every day with the King, and go about viewing the public buildings, hospitals, manufactures, &c. speaking and behaving affably to the lowest of the people, and studying by every means to regain her lost popularity.

Nor

Nor were the people inexorable: I have often heard the cry of, *Vive la Reine!* in the streets of Paris. The Revolution was for her a severe, but it will prove a salutary lesson; and I have little doubt that she will live to be convinced, that, to be the Queen of a free people, is nobler than to reign amongst a herd of slaves; that the character of a virtuous wife, and an affectionate mother, confers purer joys than the incense offered to a flattered coquette, or the dissipated pleasures of an intriguing ambitious *virago*. And though Mr. Burke is very angry, that a Queen should be thought *only a woman*, it is however an undeniable truth, that the real happiness of a Queen, is exactly of the same kind, as that which constitutes the felicity of the humblest female of her dominions.

The question respecting the extent of the King's interference in the measures of the Legislative Body in France, has, in common with several others, been much perplexed by comparisons with the regulations of England. It ought to be recollected, that the situation and circumstances of the two countries are so very different, in a variety of respects, that regulations the most useful or necessary in the one, may neither be necessary nor useful, may perhaps be pernicious in the other. Laws ought to be judged of from their own nature, and from
their

their application to the necessities, not of foreign countries, but of that in which they were framed. Waving, therefore, all consideration of the case of England, as foreign to the present discussion, and leading only to indelicate and invidious comparisons, I shall confine the few remarks I have to make on this subject purely to France.

There is no part of his book where M. de Calonne has displayed more ingenuity, or written with more appearance of truth, than in that which relates to the suspensive *veto* granted by the Assembly to the King, in place of that absolute negative which was contended for by those who called themselves friends of monarchy. Yet I think it is not difficult to shew, that his objections are more specious than solid. There were some important reasons why, *at the period of this revolution*, the power of the Crown in France should have been confined within narrower bounds than may be necessary afterwards. I need not at present enter into an explanation of these, and I apprehend they are pretty obvious to every reflecting reader. I shall, however, consider the justice and propriety of the measure, as if absolutely permanent, requesting only that you will not lose sight of one idea,
that

that if the arguments which are produced on this point be defective, the deficiency of them cannot be long concealed: And, at the period when the Assembly shall revise their proceedings, every argument urged by M. de Calonne, or his adherents, will be brought forward with all its force, by the patrons of the monarchical system.

First, says M. de Calonne, the limitation of the royal negative to a suspensive *veto*, was contrary to the instructions given by the Deputies to their constituents. But, as we have already observed, it was impossible that their Constituents could foresee all the new circumstances which might arise during a great Revolution; and it was equally impossible that the critical and urgent nature of their situation could admit of continual application to their Constituents for new instructions and farther powers, with all the circumstances of delay attending such measures*. It must therefore in reason be supposed, that the Deputies were entrusted with a discretionary power to act for the best; and if this had been doubtful,

* Had such continual appeals to the people been necessary, the French Constitution would not have been settled for 20 years, and during all that time the whole kingdom would have been kept in anarchy and confusion.

because

because it was not every-where distinctly expressed, it must have ceased to be so where the Deputies had in several instances actually departed from their instructions, and had notwithstanding obtained the concurrence and applause of their Constituents, with the warmest promises of support, and the strongest encouragements to proceed resolutely in doing every thing necessary to complete a *free Constitution*. *This*, Sir, was the great object of all the inhabitants of France; and to obtain *this*, were all the Instructions written, and all the Deputies elected. The obligation to adhere to the particular articles pointed out in the Instructions, could be regarded only as subordinate to the *great end* for which all these articles were enumerated. “ *Give us a Constitution !* ” was the Alpha and Omega, the sum and essence of all the *Cabiers*. Whoever amongst the Deputies acted with this view, and directed his conduct to this end, was a worthy Representative of the people. He might oppose some abuses, which his Constituents, less informed, considered as *advantages*; he might do them more good than they either knew of, or wished for; he might depart from the *letter* of his Instructions, but he adhered to the *spirit* of them; he was
a faithful

a faithful deputy, an honest servant to his Constituents, and a true friend to his country.

But M. de Calonne asserts, that the *suspensive* VETO is not only contrary to the Instructions of their Constituents, but also to the Decrees of the Assembly itself; because the 6th Article of the Declaration of the Rights of Man, having asserted, that “the law is the
“ expression of the general will, and that the
“ citizens have a right to concur personally,
“ or by their Representatives, in making it,” it follows, that when at the third Legislature a law is passed contrary to the negative of the King, such a law is evidently null, because the King was neither personally in the Assembly, nor represented there, and hence did not concur in the making of the law at all.

To this it is sufficient at present to reply, that necessity is above all laws, and that desperate cases require desperate remedies. If the King and the people continue to differ for several years on the merits of a law proposed to be made, (a case which, after the Constitution is formed, I think, can scarcely ever occur), what is to be done? who is to submit? Is it more decent, more just, that one man should yield to 25 millions, or 25 millions to one man, in a point highly important to their dearest interests?

rests? I will leave the decision of this question to M. de Calonne himself; adding only, that if it be decided otherwise than I have done, then is the King of France an *arbitrary* monarch; there is no possibility of avoiding this conclusion. “ I maintain, gentlemen,” said M. Rabaut de St. Etienne*, “ that you would do a
 “ bad service, that you ill shew your love to
 “ your King, if you exposed him to the mis-
 “ fortune of being able to oppose the laws
 “ that may be demanded by his people. He
 “ will never do it,” say they to you ; “ but
 “ will those who speak thus, answer for all the
 “ Princes that shall successively occupy the
 “ throne, for their education, their character,
 “ their information, their genius, the flattery
 “ that surrounds them, the perfidious counsels
 “ which assail them, and all the resources
 “ which all sorts of passions display to seduce
 “ Kings, and expose them to the hatred and
 “ malediction of the people? If there is no-
 “ thing more grand in my eyes than a King,
 “ the infallible executor of the infallible will
 “ of all, there is nothing more weak, more
 “ unhappy, I will venture to affirm it, than
 “ a King, who thinks that his will ought to

* Opinion sur quelques points de la Constitution, P. V.
 Tom. IV.

Q

“ take

“ take place of the general will, who com-
 “ mands every mouth to be silent, and whose
 “ absurd ambition leads him to believe that he
 “ knows better what is fit for the people
 “ than they do for themselves. It is to insult
 “ a Prince, to persuade him that he has that
 “ science ; it is to deceive and ensnare him ; it
 “ is to render one’s-self responsible to him and
 “ to the people for all the errors he may fall
 “ into.”

“ The 2d Article of the Constitution,” continues M. de Calonne, “ affirms, that the French government is monarchical.” Now, nothing can be more contrary to the nature of a monarchy, than for the Prince to be constrained to submit to the wills of others. The same answer I gave to the last objection, will apply to this. The French government is a monarchy, but it is a *limited* monarchy; its monarchic, which is its particular character, must needs be supposed subordinate to that which is the end of all government, *the happiness of the people*. Why is it a monarchy rather than a republic, but because a monarchy was thought most conducive to this *great end*? and if the *monarchy*, which is but the *mean*, shall at any time come in competition with the *happiness of the people*, which is the *end*,

end, there cannot be a moment's hesitation which is to be preferred. We must cry out, "Perish the monarchy! and let the people be saved!" *Salus populi suprema lex*, is the soundest and most inviolable principle of all human government.

Great Britain is a monarchy also, and her Princes have an absolute *veto*, without exercising it. Yet, at the Revolution, the people made a law, to which their King did not consent, nor could be supposed to do so, because it deprived him of his crown; yet Britain is, and continues to be, a true monarchy.

But, thirdly, says M. de Calonne, according to the 9th Article of the Constitution, "No Act of the Legislative Power shall be considered as a law—if it is not sanctioned by the Monarch;" and according to Article X. "the King may refuse his consent to the Acts of the Legislative Body." Hence he concludes, that the Assembly contradicts its own Decrees, when it establishes, that a law enacted by the third Legislature shall be obligatory, as it is not *freely* consented to by the King.

But M. de Calonne might have recollected, that, in the case he states, there is a competition between the laws of the Assembly, and that all that can be done is to prefer those that are

of greatest importance. It is a most essential part of the French Constitution, that all power emanates from the People ; and that ultimately, and in the last resort, sovereignty resides in the Nation. The King himself is the creature of the Constitution ; he is the delegate of the majesty of the Nation, Sovereign in its sovereignty, powerful by its power. Wherefore, in these rare and extreme cases, where the King and the People ultimately differ, the power must return to them, from whom it originated ; the decision must be made by the Nation, in which the fountain of sovereignty is placed. To plead, in such a case, the authority of subordinate regulations, is to set the lesser against the greater authority, and to attempt, by the privileges of an individual, to controul the rights of a whole community. M. de Calonne's great mistake consists in applying the rules which hold good in common cases, to these rare and extraordinary circumstances which are above all rule, for which no human system can make provision, where necessity must be the only law, and the general good the only point attended to.

Let us consider the suspensive *veto* a little more attentively, and see whether it be that absurd, ineffectual, and dangerous thing which

M. de Calonne and Mr. Burke wish to represent it. The Legislative Power is delegated by the Nation to the National Assembly and to the King conjointly. While the two agree, all is well ; but if they should differ, a great difficulty arises, and the puzzling question is put, who shall decide? If the King decides against the Legislative Body, then is the will of one man set up against that of 25 millions of men ; then is the Nation *not* the fountain of power, and the most fundamental principle of the French Constitution is contradicted. If, again, the Assembly decides against the King, then all the objections of M. de Calonne are, in the first instance, valid. In such an extremity there is but one way to proceed rationally. Let neither the King nor the Assembly decide, but let the King *suspend* the proposed law, and appeal to the collected wisdom of the Nation. Let time be given to elucidate the subject, to discuss it, to bring forth evidence. At the next Legislature let it be proposed again, when some of the parties will probably yield, or a compromise will be made. If the difference continues, let the measure be once more suspended, till the third Legislature. Then full time having been allowed for all prejudices to subside, and

the subject having been completely canvassed, the new Deputies will come up with instructions from their Constituents how to decide, and their decision will, and ought to be, *final*. Such is the suspensive *veto*, which seems so ill understood among us. It is nothing else than an appeal to the collected wisdom of the Nation; and the third Legislature, when they decide against the *veto* of the King, if ever such a case occur, act at that time, not in the quality of a common Legislative Body, but in that of a National Convention, who are empowered to make laws for the King himself, because from them, that is, from the Nation, the King derives all his power, and by their laws is to govern all his conduct.

After the Constitution of France is settled, as it will be a regular and completely organized system, extending to all branches of the government, and defining with the greatest exactness, the extent and limitations of all the various powers in the State, I do think it highly probable, that a difference between the King and the Legislative Body is a circumstance will *never* occur. I really cannot see what they can have to differ about; but if they should differ—if, as M. de Calonne supposes, the Assembly should wish to exceed
the

the power the Constitution gives them, the King will interpose his suspensive *veto*, which will prevent the proposed measure from taking place, for three or four years at least, and surely that is a sufficient period for deliberation. There is no probability that an enlightened People will persist so long, in obstinately demanding a law ruinous to their interest. Either they will yield to the King, or his Majesty will perceive that he has mistaken the matter, and submit his opinion to theirs. But if they should persist, what is to be done? This is one of those extreme cases, for which human government can provide no remedy. A Nation thus deluded, *must* be left to the teaching of *experience*; nothing else can convince them of their error. One man can no more cure the folly, than he could resist the power of a whole people.

Thus is the suspensive *veto* in France, equal to all that the necessity of the case requires. Indeed it was all that could be granted. Had the Assembly given the King more in *appearance*, they would have given him less in *reality*. By the suspensive *veto*, he can prevent the operation of a bad law, in as far as it is in the power of human government to prevent it, and that too without the *odium* which always

attends an absolute negative. Let us be honest, and acknowledge, that had they given the King an absolute *veto*, he could not have used it *in the present state of society*. We need not fight about *words*, this is the fact; the only mode in which the King could have made his *veto* effectual, would have been by an indirect and undue influence upon the Legislative Body; an influence hostile to the Constitution, and in every respect improper and dangerous.

The discussion of this subject suggests to my mind a variety of reflections on the situation of that class of society whose powers it relates to. Permit me only to mention a few. The condition of Princes, so far from being enviable, appears to me, in general, to merit much compassion. Overloaded in appearance with all the gifts of art and nature, they usually enjoy less in reality than other men. In our preposterous attempts to exalt them, we have raised them above the sphere of human nature. The gross material happiness of this earth, has seemed to our vain fancies, too coarse for their use; wherefore we have raised them up amongst the clouds, to embrace shadows, and live upon the thin air. By their "painful pre-eminence," they are almost cut off from the pleasures of society; and while
 furrounded

surrounded with artificial enjoyments, they are cheated out of the natural happiness of man*.

An arbitrary Monarch may be defined to be, a person set up on purpose, that a number of other persons may do mischief in his name, and say that the King did it. He seems to have more of his will than other men, but it is all appearance. He has less of his will, because he has less of what he would naturally will, than most of his subjects. He has guards too, but is more in danger than him who has none. He has armies, and ap-

* “What infinite heart’s ease must Kings neglect,
That private men enjoy? and what have Kings,
That privates have not too, save *ceremony*?

Save general ceremony?

And what art thou? thou idol Ceremony!

What kind of god art thou, that suffer’st more

Of mortal griefs than do thy worshippers?

What are thy rents? what are thy comings in?

O Ceremony, shew me but thy worth!

What is thy soul? O Adoration!

Art thou aught else but place, degree, and form,

Creating awe and fear in other men,

Wherein thou art less happy, being feared,

Than they in fearing?

What drink’st thou oft, instead of homage sweet,

But poison’d flattery? O, be sick, great greatness,

And bid thy ceremony give the cure!” &c.

Shakesp. K. Hen. V.

pears omnipotent, yet there is no class of men of whom so few have died a natural death.

He is either an ignorant man, or a flatterer, with secret ends in view, who would persuade Princes, that addition to their rank, or increase of their power, will add to their happiness. They are already, for the most part, *too great* to be happy. The misfortune is, that being lifted up to a throne, does not raise a man above human nature. He is still a man, and has all the feelings of a human being. It is not the things belonging to kingship, that make Kings happy. In spite of their flatterers, their *manhood* predominates over their kingship; and the things that make them truly happy, are just the same that constitute the happiness of the meanest of their subjects.

Man is a social creature; his chief happiness consists in social enjoyments. But no man enjoys society, till he descends to equality. Hence I believe that Princes in a free country like our own, are happier than arbitrary monarchs, merely because they are brought nearer to their subjects. Hence Mr. Burke said that Kings were lovers of *low company*—an ungracious expression, to be sure, but capable of a good sense; for we see, that in all ages, when Kings wished to be happy, they

they threw aside their gorgeous robes, and mixed with the people.

But I must put an end to general reflections, and shall conclude this letter by a few queries that arise out of its subject. I propose, then, to the most serious consideration of every reflecting reader of this book—After all the declamation of Mr. Burke, and after all the noise that has been made on the subject, *What has the King of France lost? What has he suffered by the Revolution?* Has he lost the respect of his people? No---He is more respected, because in reality more respectable than he was before. If there was a temporary want of respect shewn to him at any time, it arose from the confusion of the times, and the weakness and inconsistency of his conduct at some of these critical moments. But he may be---it is *within his own power* to be---as highly respected as any Prince in Europe. Has he lost the *affections* of his people? No---Even his inconsistencies have not deprived him of this; for all are convinced that his intentions are good, and his heart sincere. Louis XVI. is the friend of the people, and the people love him. Has he lost the *dignity* of his condition? No---In the eye of reason, he has gained new dignity,
in

in as much as the condition of the Sovereign of a free people, is more glorious than that of the Tyrant of a herd of slaves*. Has he lost those *revenues* which are necessary to support his rank? No—for the Assembly have made an ample provision for him, such a provision as renders the King of England comparatively a poor man. Has he lost his *powers*? No—He has lost no power, but such as was inconsistent with the happiness of his people—such as was improper and dishonourable for him to hold---He has lost the power of doing evil, and is happily rid of it---He has lost the power of making his people unhappy by his *involuntary* mistakes, and may rejoice at the loss---He has lost nominal powers, which he never could use, and which only served corrupt ministers as instruments of oppressing the people. But he has lost nothing of his just and lawful power. He is still the Chief of the State, the Supreme Head of the Empire---the Head of the executive, and, conjointly with the Legislative Body, the Delegate of the legislative power. All laws are made with

* “ When he (the King) shall act in the name of the laws, “ his situation will be a thousand times more glorious and “ fortunate, than that of the most absolute despot.” Mounier, (See Appendix, No. V. p. 17.)

his concurrence; and when the Legislative Assembly would make a law which he does not approve, he can suspend the force of it for several years, until there has been time to make an appeal to the people, to collect the wisdom of the whole nation, in whom the sovereignty truly resides, and whose will is ultimately the supreme guide, as their power *must* ultimately be the supreme governor, in all the nations and societies of the earth.

Such is the condition, Sir, of the KING of France---very pitiable to be sure!---Instead of an arbitrary tyrant reigning by dragoons, forced to be the lawful Sovereign of a free people, and to reign in the hearts and by the affections of his subjects, over 25 millions of men, in the greatest kingdom of Europe, and with a revenue of £1,200,000 *per annum*!---And then the QUEEN---alas! more terrible still!---Maria Antonietta---the daughter, sister, and wife of kings---the paragon of beauty, brilliant as the morning star---Maria Antonietta is doomed for ever to be---a good mother, and a *faithful* wife! Truly, Sir, these are disasters! which merited all the power of the English language to paint them. At the relation of these woes, what heart does not bleed? O that I could blot from the annals

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of

of mankind, the day when such deeds were done!---But it is impossible. The glory of Europe is gone for ever. Alas! how are the mighty fallen, and mankind exalted!---Raife the voice of lamentation---my tears for ever flow.

LETTER

L E T T E R VI.

The JUDICIAL ORGANIZATION.

Il ne restera plus gueres á notre usage de l'ancienne jurisprudence, que ces verites eternelles qui prises dans la nature de l'homme et de la societé, voient tout changer autour d'elles, sans jamais changer elles memes, et qui sont le principe de toute regeneration durable. Le droit naturel a ete le tronc primitif de toutes les tiges de cette science generale qu'on appelle *droit*, mais des branches parasites ont fini par etouffer l'arbre. Il a fallu les abbattre, il faudra descendre jusqu'aux racines pour faire pousser par tout des rejetons sains et vigoureux. Beaucoup de choses sont faites sur cette matiere ; beaucoup d'autres sont á faire : notre droit particulier n'exige pas de moindres reformes que notre droit public n'en a eprouvé.

*Response de M. Riquetti l'ainé aux Docteurs
aggregés á la Faculté de Paris.*

DEAR SIR,

IT is a circumstance worthy of note, and one that affords a proof of the wisdom and rectitude of that *spirit* which governs the decisions of the National Assembly of France, that the first chapter of their decree, respecting jurisprudence, is calculated to prevent

vent all legal contests, by promoting *arbitration*; a mode of decision more expeditious, less expensive, and in many respects more eligible and satisfactory than the complicated processes of the law.

“ *Arbitration* (says the 1st Article*) being
 “ the most reasonable method of terminating
 “ the contests amongst the citizens, the future
 “ Legislatures shall have no power to make
 “ any regulations, which may tend to diminish the respect or the efficacy of compromises.”

The succeeding Articles are in the same spirit. All persons may name one or more Arbiters as is agreeable to them, may fix a time beyond which their decision shall not be obligatory; but if no period is fixed, or if after the period, none of the parties have announced, that he no longer desires the interference of the Arbiters, their judgment shall be binding.

No appeal from the sentence of the Arbiters shall be allowed, if the parties have not expressly reserved this right to themselves in the compromise, and named the Tribunal to which they would carry it.

* Tit. I. Dec. Aug. 16, 1790.

II. *Judges in general.*

The second chapter relates to the *Judges in general*, and enacts, that

Justice shall be administered in the name of the King.

The venality of judicial officers shall be abolished for ever; the Judges shall render justice gratuitously, and shall be salaried by the State.

The Judges shall be elected by those whom they are to judge---to continue in office six years, but may be then re-elected.

Substitute Judges shall be named to act for others in case of death or demission, &c. until the next election; and both Judges and their Substitutes, before entering on their office, shall receive from the King Letters-Patent, confirming their election, &c. &c.

By a Decree of Sept. 2, 1790, Ecclesiastics cannot be elected Judges, because the functions of a Judge are incompatible with their ministry.

The same Decree enacts, That although it is not necessary, in order to be eligible to the place of a Judge, to be actually domiciliated in the Canton or Districts for which he is elected, yet, after election, he shall be bound to reside constantly there.

Members of the National Assembly may be elected Judges, if they are not absent from the Assembly, and present in the Department where the election takes place.

Relations to the degree of cousin-german inclusively, cannot be Members of the same Tribunal; and if two such are elected, the last shall be replaced by the Substitute.

The Judges and King's Commissaries shall wear black, round hats raised before, and a plume of black feathers.

The Decree of Sept. 19, declares, That the Presidents of the Administration of Departments and Districts, not being necessary Members of the Directories, are eligible to be Judges; but if they accept that situation, must resign their Presidencies, and be reduced to simple Members of the Council.

The *Ministerial* Officers of the Law shall be named by the King, for life; and neither they nor the Judges can be deprived of their situations, except they have forfeited them, in the judgment of persons competent to pronounce on the offence.

No one can be elected a Judge, Substitute, or Ministerial Officer of the Law, if he be not thirty years of age, and have practised at the Bar for five years.

The

The Tribunals shall on no account interfere in the legislative power, nor intermeddle in the operations of the Administrative Assemblies. But they may address the Legislative Body at any time, for an explanation of old laws, or to request new ones.

The pleadings, reports, and decisions, both in civil and criminal cases, shall be public; and every Citizen may defend his own cause if he chuses, either verbally, or in writing.

In criminal causes, the mode of procedure shall be by *Juries*.

All the Citizens being equal in the eye of the Law, and every preference of rank or turn of being judged an injustice, there shall be no distinction of that kind, or any other observed in any case.

The Code of Civil Laws shall be reviewed, and reformed by the succeeding Legislatures; and there shall be formed a new Civil Code of Laws, more simple, more clear, and more adapted to the new Constitution.

The mode of proceeding in the Civil Courts shall also be reformed, so as to render it more simple, expeditious, and less expensive.

And the Penal Code shall likewise be reformed, in order to render punishments proportioned to crimes; to moderate their severity,

and make them conformable to the maxim in the Declaration of the Rights of Man—that “the Law cannot establish any punishments but such as are absolutely and evidently necessary.”

III. *Judges of Peace**.

There shall be a Judge or Justice of Peace in each Canton, and four Prud'hommes (prudent men) as his Assistants. If the Canton contains any towns of more than 2000 inhabitants, these towns shall have a Judge of Peace, and Prud'hommes of their own. Towns of more than 8000 inhabitants, shall have the number of Judges which the Legislative Assembly shall hereafter decide, upon receiving the instructions of the Administration of the Department.

Feb. 23, 1791. No one can be a Judge of Peace, and at the same time a Municipal Officer, Member of a Directory, Recorder, Advocate, Attorney, Judge of the District or of Commune, or Collector of public taxes.

The Judges of Peace shall be chosen out of the Citizens eligible to the Administration of Departments and Districts, having completed thirty years of age, and without any other condition of eligibility.

* Tit. III. Des Juges de Paix.

They shall be elected by individual scrutiny and absolute plurality of votes, by the Active Citizens in the Primary Assemblies.

An account of their nomination shall be sent to the Register-Office of the District, and deposited there; which deposition shall serve to the Judge of Peace, in place of Letters-Patent from the King. If the Judge dies, a new one shall be chosen without delay.

The Prud'hommes shall be chosen by scrutiny of a list, and relative plurality, out of the Active Citizens of each Municipality, both for two years, but may be re-elected.

Feb. 23. The Assesseurs are excluded from the same offices as the Judges; only, in towns and villages, they may be Municipal Officers. They must not be nearer relations to the Judge than cousin-germans, and if that, cannot decide along with him, but by consent of parties.

The Judge of Peace, with two of his Assistants, shall decide on all causes purely personal, or relative to moveable property, actions for damages, quarrels, &c. &c. without appeal as far as 50 livres, and on condition of appeal up to 100 livres. In this last case, the judgments shall be provisionally executable notwithstanding the appeal, on giving caution to a certain amount hereafter to be settled.

Appeals from the decision of the Judge of Peace, shall be made to the Judges of the District, who shall decide finally on the hearing, and summarily upon the simple notification of the appeal.

By a decree of Aug. 25. it is determined, that there shall be a Judge of Peace and Assessors in each of the 48 Sections of the Town of Paris, and in each of the Cantons of the Districts of St. Denis and Bourg la Reine.

The Salary of Justices of Peace is *,
In Cantons and Towns where there are not
20,000 inhabitants,

The Judge	- - - - -	600 livres,
The Register, independent of the produce of writs	- - - - -	200

In Towns from 20 to 60,000 inhabitants,

The Judge	- - - - -	900 livres,
The Register	- - - - -	300

In Towns above 60,000,

The Judge	- - - - -	1200
The Register	- - - - -	500

In Paris, by the Decree Nov. 3,

The Judges, besides certain per- quisites	- - - - -	2400
The Registers, each	- - - - -	800

* Dec. Sept. 2, 1790.

IV. *Judges in the first instance**.

In every District there shall be a Tribunal, composed of five Judges, one Ministerial Officer of the Law, and a certain number of Substitutes. In towns of more than 50,000 inhabitants, the number of Judges may hereafter, if the Legislature think fit, be six, divided into two chambers, who shall decide conjunctly on causes in the first instance, as well as on appeals from the Judges of the Peace,

Paris shall have six Tribunals for its Town and Department, each composed of five Judges, a King's Commissary, and four Substitutes †.

The first elected Judge shall preside; and where there are two chambers, the next elected presides over the second. The Judges of the District take cognizance in the first instance, of all personal and other matters not already assigned to the Judges of Peace; of affairs of commerce, where there are no Tribunals of commerce established; and of contests in the Municipal Police. Their decision shall be final up to 1000 livres of principal, or 50 livres of rent.

In all cases the parties shall be bound to declare, at the commencement of the pro-

* Tit. IV. Des Juges de premiere instance.

† Dec. Aug. 25, 1790.

cedure, if they consent to be judged without appeal, and shall have a right to agree to this during all the instruction of the process; and in this case the Judges of the District shall decide finally. When these Judges decide without appeal, there must be four present; but when they decide on condition of appeal, three may give the decision.

V. *Judges of Appeals**.

The Judges of the Districts shall be Judges of Appeal to each other; the parties choosing which Tribunal they will appeal to. If they cannot agree, it shall be decided in the following manner: The Directory of every District shall propose a list of seven Tribunals nearest the District, of which one at least shall be without the Department; which list shall be reported to the National Assembly, assented to by them, and then deposited in the Register-Office, and pasted up in the Auditory.—Out of those *Tribunals of Appeal of the District*, when there are but two parties, the appellant or appellants may reject any three, the defendant or defendants other three, and the remaining one shall be appealed to. If there are three parties having opposite interests, each may reject two of the seven Tribunals. From three to six may

* Tit. V. Des Juges d'Appel.

reject one each; and if there be above six parties, the Directory of the District shall add a supplemental list of as many new Tribunals of the nearest Districts, as there are parties above six.

The appellant shall signify which Tribunals he rejects in his appeal; and the defendant in eight days after, or if he lives at more than 20 leagues distance, one day more shall be allowed for every 10 leagues. No rejections shall be received after these periods.

○ If parties are deficient in using their power of rejection, or more than one Tribunal is left unexcluded, that party which first summoned on the appeal, may chuse which of them he pleases; and if there is a concurrence of date, the choice of the appellant shall be preferred. No appeal can be signified before eight days from the date of the judgment, nor later than three months after it was made known. The breach of these regulations shall render the appeal void. All decisions which are not executable provisionally, shall remain suspended for eight days.

For the Tribunals of the District the salaries are,

In towns below 20,000 inhabitants,

Each Judge and King's Commissary, 1800 liv.

The Register, - - - 600

shall

In

livres.

In towns from 20 to 60,000,
 Each Judge and King's Commissary, 2400
 The Register, - - - - 800

In towns above 60,000,
 Each Judge and King's Commissary, 3000
 The Register, - - - - 1000

In Paris,
 Each Judge and King's Commissary, 4000
 Each Register, - - - - 1333.6.8

From these allowances shall be deduced 300 livres from 900; 450 from 1200; 600 from 1500; and 700 from 1800; 900 from 2000; and 1200 from 2400; to be formed into a fund, and for the droits d'assistance, to be distributed amongst the Judges and Commissaries actually present, and performing their functions at each session.

VI. *Form of Elections**.

The Electors of the district, convoked by the Procureur-Syndic, shall assemble as prescribed in the Decree of Dec. 22, and elect the Judges by individual scrutiny and absolute plurality of votes. When the new elections are to be made, these Assemblies shall be held six months before the expiration of the sixth year; and if any accident prevents that, the Judges in exercise

* Tit. VI. De la Forme des Elections.

shall

shall continue their functions, until their successors be put in activity,

VII. *Installation of the Judges**.

After the Judges elected shall have received Letters-Patent from the King, they shall be installed into their offices by the Members of the Council-General of the Commune of the place in which the Tribunal is erected, and the Judges of Peace before the Council of the place of their abode. The Council seating themselves on the bench, and the Judges being placed in the middle of the room, shall take the oath, “to maintain with all their power, the Constitution of the kingdom, decreed by the National Assembly, and accepted by the King; to be faithful to the Nation, the Law, and the King; and to fulfil with exactness and impartiality, the duties of their offices.” The Ministerial Officers shall take the oath before the Judges.—Then the Council-General shall descend from the bench into the middle of the room, to install the Judges; and, in the name of the people, shall pronounce an engagement, “to shew to the Tribunal, and its decisions, that respect and obedience which every Citizen owes to the Law, and to those who are the organs of it.”

* Tit. VII. De l'Installation des Juges.

VIII. *Of the Ministerial Officers of the Law**.

The Ministerial Officers, or Agents of the executive power at the Tribunals, shall be called *Commissaries of the King*; shall attend to the observation of all laws which respect the general order in decisions to be given, and shall take care that these decisions be executed; they shall be heard in all cases of pupils, minors, &c.—married women in accusations brought by the Public Accuser—in all cases where the rights or property of the Nation or a Community are concerned—and in the case of persons absent, who have none to defend their cause. No Commissary of the King can be Member of the Administrative Assemblies, nor of the Municipalities.

IX. *Of the Registers*†.

The Registers shall be chosen by the Judges, and cannot be relations in the third degree of those who chuse them. There shall be one in each Tribunal, aged twenty-five years at least, who has furnished a caution of 12,000 livres in immoveable property, to keep his office for life, and not to be deprived of it unless convicted of prevarication.

* Tit. VIII. Du Ministère Public.

† Tit. IX. Des Greffiers.

X. *Of the Bureaus of Peace and Conciliation**.

When matters exceed the competence of the Judge of Peace, he and his Assistants shall form a Bureau of Peace and Conciliation; and parties living within the jurisdiction of the same Judge of Peace, shall produce a certificate of having brought their cause to this Bureau, before appealing to the Tribunal of the District.

In every town where there is a Tribunal of the District, the Council-General of the Commune shall form a Bureau of Peace and Conciliation for the District; before which, parties living under the jurisdiction of different Judges of Peace, shall appear, previous to their appeal to the Tribunal of the District.

The Bureaus of Peace of the District shall be charged with the care of all the causes of the poor, and shall give them advice and assistance *gratis*. The service of men of law at the *Bureaus of Peace*, shall be counted to them equally as the exercise of their functions for the same length of time at the Tribunals†.

Fines.

* Tit. X. Des Bureaux de Paix, et du Tribunal de Famille.

† Judges of Peace, and Bureaus of Conciliation thus established, bid fair for doing much good, and promoting harmony amongst the citizens. Various proofs of their excellent effects have already been laid before the Assembly. A letter from a Judge of Peace was read, Feb. 19, which mentioned, that altho' he was no Lawyer, yet of 44 causes that had com-
befor

Fines.

Every appellant from the decision of a Judge of Peace, whose appeal is deemed ill founded, shall pay a fine of 9 livres; and from the Decision of a Tribunal of the District, 60 livres; without diminution in any case.

Defendants who have neglected to appear before the Bureaus of Peace, shall be fined the same sums, and appellants twice as much.

The Family Tribunal.

When contests arise between near relations, as parent and child, husband and wife, grandfather and grandchild, brothers and sisters, uncles and nephews, or between those allied to the degrees above, as also between minors and their tutors in things respecting tutorship, each of the parties shall be obliged to name two of their relations, or failing these, of their friends

before him, in the course of a month, only two had been appealed to the Tribunal of the District, and the other 42 he had been able to terminate amicably, at the expence only of 15 livres to the parties. M. Lavie announced the same day, that of 220 causes that had come before the Judge of Peace of the Canton of Bifort, 200 had been settled amicably, without expence to parties. This domestic justice, added he, is a deliverance to the country people from the expences they were subjected to by the ancient form of process: it alone would be sufficient to make them bless the Revolution. The inhabitants of my district regard it as a gift of Heaven, and as the master-work of the National Assembly.

and

and neighbours, as *Arbiters* to decide their difference. When any of the parties refuse to name Arbiters, the other may apply to the Judge to appoint them in his stead. If the four Arbiters disagree, they shall chuse one other person to give a casting vote.

The party who thinks himself aggrieved by the decision, may appeal to the Tribunal of the District, whose decision shall be final. When a parent, or tutor, has weighty grounds of dissatisfaction with the conduct of a child or pupil, whom he can no longer restrain, he may bring his complaint before a *Family Tribunal* of eight, or six at least, if more cannot be got of the nearest relations, or failing these, of friends and neighbours, who, after having heard the case, may determine, That the offender, if 21 years of age, shall be confined for a time not exceeding one year, their decision having first been notified to, and approved of by the President of the Tribunal of the District, after hearing information from the Commissary of the King.

XI. *Judges of Police*.*

The objects of Police are,

I. All that concerns the safety and convenience of passage in the streets, quays, public

* Tit. XI. Des Juges en Matiere de Police.

places and ways; which includes cleansing and lighting them, the carrying away of rubbish, the demolition or reparation of buildings that threaten to fall; the preventing of any thing being exposed at the windows or other parts of the houses, which might prove hurtful by its falling; and of any thing being thrown out from them, which might injure or annoy the passengers, or cause noxious exhalations.

II. The care of repressing and punishing offences against the public peace, such as quarrels and disputes, accompanied with mobbing in the streets, tumults excited in places of public resort, noisy and tumultuous meetings by night, that disturb the repose of the citizens.

III. The maintenance of good order in those places where great multitudes of people assemble, such as at fairs, markets, public rejoicings and ceremonies, shews, games, coffee-houses, churches, and other public places.

IV. The inspecting into the fairness of the sale of such goods as are sold by weight or measure; and into the wholesomeness of the eatables exposed in public markets for public sale.

V. The

V. The care of preventing by proper precautions, and of putting a stop, by the distribution of necessary assistance, to calamitous accidents and pests, such as fires, epidemic distempers in men or beasts; calling in also, in these two last cases, the authority of the Administrations of the Department and District.

VI. The care of obviating, or of providing a remedy for those disagreeable events, which may be occasioned by idiots or madmen left at liberty, and by the breaking loose of mischievous or savage animals.

The Municipal Bodies shall have power to decide on matters of Police in each Municipality. The Procureur of the Commune shall prosecute offenders officially; but any private citizen who conceives himself injured, may bring an action; offenders may be fined, or imprisoned for three days at most in the country, and eight days in towns. Appeals shall be carried to the Tribunal of the District, but the decision may be provisionally executed.

Theatres and public shews to be licensed only by the Municipal Officers, who shall also take care to dispel mobs by the dispositions of the martial law, and shall be responsible for their negligence.

XII. *Judges of Commerce**.

In all towns where the Administration of the Department judge it necessary, there shall be established a *Tribunal of Commerce*, to decide on all commercial questions. This Tribunal shall consist of five Judges, the presence of three of whom shall be necessary to pass any decision.

They shall be chosen by individual scrutiny and absolute plurality of votes, in a General Assembly of merchants, bankers, tradesmen, manufacturers, and captains of ships of the town. They shall continue in office two years; the President to be then renewed, and half the others; and none can be elected but such as have resided and traded in the town at least five years, and are 30 years of age. The President must have carried on trade for ten years, and be 35 years of age.

The Commercial Judges of any town in a district, may take cognizance of all matters of trade in the district; and where there are no Judges of Commerce, the Judges of the District shall decide on such causes by the same rules as the others.

The Judges of Commerce shall pronounce finally in all causes when the value of the

* Tit. XII. Des Juges en matiere de Commerce.

object does not exceed 1000 livres. All their decisions are provisionally executable, on giving caution to the amount of the sum adjudged.

Parties may agree to be judged by them without appeal, and then their decision shall be final.

The Tribunal of Commerce in Paris, by a Decree of Jan. 27, 1791, is to be composed of five Judges, elected by individual scrutiny and absolute plurality of votes, by Electors named in Assemblies of the merchants, bankers, tradesmen, and manufacturers of each of the 48 Sections.

These 48 Assemblies, consisting of Active Citizens living in the Section, and who have carried on business at least a year in Paris, shall be convoked at the same time and place, by the Procureur-General of the Commune; shall meet at the usual place of meeting of the Assembly of the Section; shall be opened by a Commissary named by the Municipality, on the notice of the Judge of Commerce now in exercise; and after electing a President, Secretary, and three Scrutineers, in the manner prescribed to the Primary Assemblies, shall proceed to the nomination of an Elector, by 25 Citizens present having a right to vote,

by one scrutiny of a simple list and absolute plurality of votes. But at the third trial, relative plurality shall be sufficient. Each Assembly shall decide on the validity of the titles of its members, and appeal may be made to the Administration of the Department of Paris. The Municipality of Paris shall determine when the Electoral Assemblies shall meet to name the Judges of Commerce.

Court of Annulment.

By a Decree of Nov. 27, 1790, a *Tribunal de Cassation*, or General Tribunal for annulling decisions, was established. This Tribunal is not to pass a final judgment on any cause; but only to annul those judgments in the last resort of other Courts, which were either erroneous, or informal. Their powers do not extend to annul final decisions of the Judges of Peace. Every six months, this Tribunal is to name twenty of its members as a *Bureau of Requests*, who shall judge of all appeals, and decide if they ought to be admitted or not. If three fourths of this Bureau agree either that an appeal shall be admitted or rejected, it shall take place accordingly; but if there be not that number of votes for either side, the affair must

must be submitted to the whole Tribunal, and decided by plurality of votes. Requests to change a cause from one Tribunal to another, may be decided in the Bureau by simple plurality of votes.

The Section of Annulment, who shall consist of fifteen Judges at least, may decide by plurality of votes, on all appeals that have been admitted.

In Civil causes, the time admitted for appeals to this Court of Annulment, shall be three months from the notification of the sentence complained of, to persons living in France. When the *form of process* only has been annulled, the matter shall be taken up a-new, from the time when the irregularity took place; and there may be a second appeal against the new judgment.

When the *decision* alone has been annulled, the question shall be carried back to the ordinary Tribunal, who judged of it in the last resort. The parties cannot then plead on the point regulated by the first decision; but if the second decision is similar to the first, a new appeal may be made to the Court of Annulment.

But when the judgment shall have been twice annulled, and a third Tribunal shall have

finally decided, no other appeal can be made, except to the Legislative Body, who shall then make a Decree declaratory of the Law; which Decree, after being sanctioned by the King, shall regulate the conduct of the Tribunal of Annulment.

The Tribunal is to have a Commissary of the King, named by his Majesty; and every year, it shall send to the National Assembly a Deputation of eight of its Members, with a state of the judgment given, and a summary account of each cause, with the text of that Law on which the annulment was grounded.

The Members of the Tribunal shall be elected for four years only, but are re-eligible by half the Departments in the kingdom by turns, out of Judges 30 years of age.

Miscellaneous Articles.

January 20, 1791, it was decreed, That there should be one Criminal Tribunal in every Department, composed of,

1. A President, chosen by the Electors of the Department for six years, and who may be re-elected.
2. A Public Accuser, chosen by the Electors of the Department.
3. Three Judges, chosen from those of the Tribunals of the District, by turns, every three

three months—So that judgment is pronounced by four Judges.

4. A Secretary, named by the same for life.
5. A King's Commissary, who shall be that of the Tribunal of the District, established in the same city.

No man can be criminally prosecuted or judged, but on the ground of an accusation admitted by a *Jury of Accusation*, composed of eight citizens. This is exactly similar to our Grand Jury finding a bill.

The *Jury of Judgment* consists of twelve persons, to each of whom, in presence of the public, of the accused and the accuser, the Judge shall put the following oath: " Citizen,
 " you promise and swear to examine with the
 " strictest attention, the charges brought against
 " ---; neither to listen to the suggestions of
 " hatred or malice, fear or affection; to have
 " no communication with any one till after
 " your declaration; to decide according to the
 " evidence, according to your conscience,
 " and your inward and profound conviction,
 " with that impartiality and firmness which
 " are suitable to a free man."

The witnesses take an oath to speak without hatred, and without fear; to tell the truth, the whole truth, and nothing but the truth.

Some other regulations for the improvement of Criminal Justice have been made ; but as no complete system is yet formed, I shall not enter on them.

Juries in Civil cases are deferred until the Civil Laws shall be reformed and simplified ; and to use the words of M. Garat, “ with a
“ tender regard for humanity in all conditions,
“ we have first attempted what was deemed
“ inexecutable by all other people, the ex-
“ tension of liberty to the *soldier* and the *sailor*,
“ by appointing them to be tried by a Jury of
“ their Peers.”

Some have censured the idea of MILITARY JURIES, and others have extolled it. I consider it as an *experiment*, and rejoice that it has been tried.

March 12, 1791. The Law of Succession when a person dies intestate, was decreed, and it was appointed, That all children, and all heirs in the same degree, should inherit equally, without any distinction of elder or younger, male or female. On this Decree, of which I approve the general principles, I should, however, have been inclined to have made some alterations. With respect to the Law of Successions, it has *long* been my opinion,

1. That

1. That the feudal right of primogeniture, which appropriated almost the whole of a man's fortune to his eldest son, and left the rest of his children nearly beggars, was most shocking, unnatural, and abominable. Hence I consider all *entails* as iniquitous and unjustifiable. What, for instance, can be more contrary to principle, than the situation of the son of a wealthy and distinguished Baronet and Senator of Ireland, whose case I was lately made acquainted with? He is one of twelve children, five sons and seven daughters. After much trouble, the father has alienated about 2000l. a-year, to make some provision for his eleven younger children, some of whom are driven into foreign lands to find their subsistence. The remainder of the fortune, which may be ten times as much as the eleven younger children have altogether, is exclusively limited to the eldest son, who has had the *grace* and *modesty* to carry on a law-suit with his father, to prevent all further alienation of the property to provide for his brothers and sisters. THIS is the *ancient jurisprudence*! Hear it, ye Nations! This is that jurisprudence which Edmund Burke regrets will no longer be studied since the French Revolution!

2. Until

2. Until a competence is provided for female children, according to the state of life they have been educated in, I am of opinion that *nothing* ought to be left to boys, excepting merely what may be requisite to pay their apprentice-fee, or begin them in such trades or professions as they have chosen, or may be destined to. For boys can make a thousand shifts, but helpless women can make none.

3. But after a competent provision in their station, I think no more ought to be bequeathed to females, however large a man's fortune may be. For there is scarce an instance where immense fortune has been of any real use to a woman, or where it did not *endanger* her true happiness, by rendering her a *subject of speculation* to adventurers and fortune-hunters, and exposing her to be the dupe of artful and unprincipled men. In an advanced period of society like the present, where almost a third part of mankind are living above their real income, mere gamblers in the lottery of human life, trusting in hope, and exceeding reality, it is rendered more peculiarly dangerous; for it is a common stratagem with this class of men, to avoid bankruptcy by entrapping some innocent artless girl of fortune, whose pleasing hopes and romantic expectations are
at

at once changed into despair and misery, by finding herself united with a beggar, a cheat, and a man who does not care for her.

4. Though I reprobate the ancient Law of primogeniture, I am still inclined to think, that we may run from one extreme to another, and in our indignation against the abuse, may annihilate the use of a thing. Tacitus commends one for the rare excellence, *quod difficillimum est*, of retaining *modum ex sapientia*, “a measure in wisdom.” And as I think an eldest son, if he has any feelings of humanity, of honour, or of duty, will always consider himself as the immediate representative of his father, and as charged, on occasion of his death, disease, or incapacity from any other cause, with the *peculiar* care of his mother, and of the younger children; so I think he ought to be recompensed for this burden, and enabled to do justice to it, as well as to maintain his necessary superiority and respect over the others, by a larger provision than the younger children. For, otherwise, his case would be *harder* than that of any of the rest, which surely nobody will argue for the justice of.

These few remarks I offer freely to the enlightened Legislators of France. In the
succession

succession to the Throne, they have judged it right to exclude females—in the succession to the Regency, they have also excluded females.—They do not give the Sex the privilege of Active Citizens, or any share in the government. I therefore propose it to their serious consideration, how they can leave to women an equal share with men, and with him who is charged with peculiar duties, the eldest son, of large estates left by an intestate father, in consistence with their own principles, or with the nature and reason of things?

This is a general sketch of the new judicial system, so far as it is yet decreed*. It would afford an opportunity of making many interesting remarks, if I had leisure to enter upon a fuller consideration of it. But I must postpone this at present; and I do it with the less reluctance, because the subject is not yet completely before us, and because we may expect a Commentary on this part of the new Constitution of France, from the ingenious pen of Mr. Bentham.

* An additional Decree (Sept. 7, 1790) pointed out the proper Tribunals, to which applications were to be made in a variety of cases. The *High National Court* for trying crimes against the State, is noticed in the Chart; but the Decree relative to it, came too late to be inserted here.

Amongst

Amongst the evils which Mr. Burke seems to apprehend from the French Revolution, one is—that the ancient system of jurisprudence will no longer be studied. I have not gone so deep in legal investigations, as to enable me to estimate the value of the ancient code with perfect accuracy ; but from what I have seen of it, I am pretty nearly satisfied, that if all the Law-books in Europe were at once annihilated, the world would be a gainer. Our Legislators and Statesmen would then be sent to form a new Code of Laws, not from contradictory authorities and bad precedents, as *Gratian* compiled his *Concordantia discordantium canonum*, but from reason and common sense, from the nature and wants of man, from the condition and requisites of civilized society. That a general reform in the ancient jurisprudence is necessary, seems to be allowed all over Europe. The King of Prussia formed a new Code for his people; and the new Tuscan Laws will do immortal honour to Leopold. If we speak of England, I believe intelligent and honest Lawyers amongst us have but one opinion, respecting the necessity of a new Civil, and still more of a new Criminal Code. Mr. Burke may consider the Laws of England as the “*collected reason of ages* :”

But

But there are others to whom they appear nothing else but an incoherent jumble of regulations, in which there is much wisdom and much folly—a confused mass of ordinances, extracted fortuitously from innumerable sources, without judgment, taste, or discrimination. I have little other opinion of them than a French Lawyer had of the Work of Gratian, and the *Decretals* of Gregory: “*Compilationes sunt ac* “*farragines,*” says he, “*tum bonarum tum* “*pravarum rerum, inconditè et imperitè* “*coacervatæ* *.”

This motley collection consists of extracts from the *Roman Law*, and the decisions of Emperors—Scraps of the *Canon Law*, and the judgments of Popes and Councils—the *Common Law*, or that vast mass of usages and institutions that have arisen from chance or reason, from fancy or caprice, or the influence of peculiar circumstances, some of which still exist, and others have ceased, though the practices originating from them are still kept up. Of these some of the rules are *general*, extended to the whole kingdom; and some *local*, confined to a particular spot—Institutes of

* “They are compilations and masses, partly of good and partly of bad things, unconnectedly and unskilfully jumbled together.”

Statute Law, or Acts of Parliament, divided into English Acts peculiar to the Southern, Scotch Acts peculiar to the Northern part of the kingdom, and British Acts controuling and confounding both*—Shreds of the *Maritime*

* Sir Edward Coke expresses himself in very disparaging terms of many of these *Acts*, which he says are laden with provisos and exceptions, and drawn up by men ignorant of the science of jurisprudence. He prefers to them the rude simplicity of the *Common Law*, which, though very defective, was at least brief and intelligible. The old *Scotch Acts* rarely contain so many lines as the modern British ones do pages. Yet they occasioned fewer controversies than arise from the present method of multiplying words without wisdom.—Another source of confusion in the modern Acts, is the extraneous matter inserted into them. The expence of procuring an Act of Parliament being most extravagant, it has become a common practice to foist in regulations and articles into many of the Acts, quite foreign to the subject mentioned in their title. Hence the most heterogeneous things are connected together in these miscellaneous productions.

Laws so numerous, so often changed, so confusedly delivered, ought, one would expect, to be *promulgated* with the most diligent care. Yet this is far from being the case: our Laws are not known, because they are not promulgated at all; yet the merciless maxim of the Lawyer stands in full force: “*Ignorantia legis neminem excusat.*” This is as bad as the bricks without straw of the Israelites.—You shall not hear the Laws, but you shall be forced to know them. The National Assembly of France have established, at vast expence, a plan of circulating to the remotest corners of their extensive kingdom, every Decree that is passed. They are registered in public books, read from the pulpits by the Curate, pasted up on the walls of public buildings in every city. Our Acts of Parli-
ment

time Laws of Rhodes and Oleron—of the *Commercial* Code of Wisbury, &c.—Reports of the decisions of Courts, or of private individuals, which are now swelled to the comfortable quantity of some hundred volumes of various and often contradictory precedents, which no man ever read, and which are not worth reading, but of which the imperfect knowledge commonly possessed by Men of Law, proves a rich source of emolument to their order, and of ruin to their clients. For when one delivers a clear principle of reason and equity, that ought to guide the judgment of a Court, another finds out, that in the case of the King against John Doe, it was otherwise decided; and a third, of better memory than him, recollects, that in the case of Prynne against Thomas Roe, the matter was taken up upon a ground different from either. Mr. Burke may admire a System of Laws, of which the *Abridgment* fills more than 20 volumes in folio; “tam immensus aliarum

ment are hardly more known to the body of the people, than the Laws of Lycurgus or Manco Copac. Government itself suffers by it; for it is a fact within my own knowledge, that Lord North imposed some taxes which were not known or attended to in the remoter parts of the kingdom, for more than twelve months after they had taken place and been paid in London.

super

super alias acervatarum legum cumulus * :”

But I confess I reserve my admiration for very different objects. The study of such a system of jurisprudence, is not the contemplation of *wisdom*, but of *authority* and *precedent*—it does not tend to *enlarge* the mind, but to *narrow* it—it does not teach to *reason*, but to *quibble*. I have the pleasure of knowing, and I much esteem several intelligent men in the profession of the Law ; but they are men who, from the influence of *better studies*, have risen above that *character*, and those *views* which the study of Law only would have impressed upon them.

If our *Laws* require a reform, the Constitution of our *Courts*, and the *Practice* of the Law in them, stand no less in need of one. Every

* “ So immense a mass of Laws heaped on Laws.” Liv. I. 3. c. 34. and vid. Taylor on Civil Law, 17.—Vyner spent above 50 years in forming his Abridgement, the printing of which was begun in 1741, and completed in 1751, in 24 vols. fol. Price 30 guineas. Yet Mr. Hargrave thinks there are many defects in it. And there is much new matter to be added, which I presume will be inserted in the new edition coming out in 8vo. The *Statutes at Large*, and *Reports*, fill innumerable volumes, exclusive of Scotch and Irish Laws. When at last the books of Law increased to such a degree that no man knew their names, John Worral did the public an acceptable service, by compiling a Dictionary or Bibliotheca of the best of them, after the manner of the learned Fabricius. The last edition of this work was in 2 vols. 12mo, London, 1788.

species of confusion, delay, uncertainty, absurdity and enormous expence, is to be found in their miserable organization and form of process. To the poor man, justice is in many cases inaccessible; and the rich man usually pays more than the amount of the object disputed, in obtaining it. Hence it is an observation, trite even to a proverb in England, that of all modes of ruining one's-self, the most infallible is that of going to law!

I should be sorry if from these observations I should be represented as an enemy to Lawyers. I am neither an enemy to them, nor to their profession, but to the abuses of it. The profession of the Law I hold to be in itself an useful and an honourable one. Differences must arise amongst imperfect beings, and "offences must come" amongst weak and short-sighted creatures like men. To determine these according to justice and rectitude—to assign to every one what belongs to him, and no more—to prevent all encroachments, and keep the balance of property, possessions, and rights, equal between the citizens—finally, to subdue all particular wills and private passions into an obedience to the rules of eternal justice and reason—such is
 4 the

the high---the honourable function of the Law.

But if the Law, instead of eternal reason, shall be found to appeal to nothing but fluctuating authority, and that too deduced from unenlightened times; if her Canons, instead of being the *selected* wisdom of ages, shall become nothing else than a *collected* mass of regulations, assembled together as chance or caprice, or old absurd customs directed; if the multitude of these confused, heterogeneous, barbarous, black-letter laws, shall exceed all the powers of human memory to remember; if the forms of procedure in courts become intricate, vexatious and tedious, so that no man can obtain justice without enormous expence, trouble and loss of time, and any man who is rich and mischievous enough, may vex, torment and oppress his neighbour almost to any degree---in such a state of things what must be the consequence?---most assuredly that the Law, as well as its professors, will lose the confidence of mankind, and the honour naturally belonging to them---that instead of a public good, they will be considered as a public nuisance---that the name of Lawyer, in place of being regarded as a respectable and *sacred* name, for such ought that

of the peace-maker to be in human society, will be associated with disagreeable ideas, and convey to mens minds the idea of an Oppressor, a Cheat, a Harpy, who preys on their vitals, and lives by the miseries of mankind.

APPENDIX.

to a Mare of silver (or about 400) annually.
Interval of a fortnight—Six Servants
in Hall every fortnight—745 Members, besides
in case of need.
to consist of One Chamber—To its Members
place, but in consequence of its Decree—
Legislative Assembly—Ministers are responsible
by it, before they are binding on the Nation,
of its Members is 18 livres a-day, (12 s.)

ARTICLE 2.

Ten Days Labour (about 10 livres, or 8 s. 4 d.)
every Two Years, in their Turn by Age. They
They are divided into
elected out of the rest, at the end of each term
divided for the District of Business, and give an
no printed. The salaries of these Directors are
Departments they are elected for.
the House for each Part of the Administration,
and to receive an Account of the Management
elected for other Four; but cannot be continued
Annually, but has no Vote. He is charged with
to 200, according to his Station.
elected below, under the same conditions.

ARTICLE 3. OF THE COURTS OF JUSTICE.

one of Judges 30 years of age, &c.
acts; after which the matter must be carried to
to decide if appeals shall be admitted.
number, with an Account of their Proceedings,
presented to those who are present on Business.

Major Office in the Chamber for fifteen years.
France. There are ten Metropolitan Courts
in each of the four Provinces of France.

SKETCH

Ref/Ro

THE NEW CONSTITUTION
To be added afterwards
and finished.

1. The new constitution is
to be based on the principle of
the separation of powers.

2. The Executive power is
to be vested in the President.

3. The Legislative power is
to be vested in the Congress.

4. The Judicial power is
to be vested in the Supreme Court.

5. The President is to be
elected by the people for a
term of four years.

6. The Congress is to be
composed of two Houses,
the Senate and the House of
Representatives.

7. The Senate is to be
composed of two Senators
from each State, and two
from the District of Columbia.

8. The House of Representatives
is to be composed of Representatives
from each State, and from the
District of Columbia.

A P P E N D I X.

CONTAINING

ORIGINAL PAPERS

AND

AUTHENTIC DOCUMENTS

RESPECTING

THE AFFAIRS OF FRANCE.

THE following Selection was made from the first thirty volumes of the *Procès-Verbaux*, or Journals of the Assembly, published by themselves, and from various other journals and books. They consist either of Papers necessary to illustrate the proceedings of the French Legislators, or of such pieces as, from their interesting nature, will, I doubt not, be acceptable to most of my readers. A few of them have appeared already in English, but not very correctly translated, nor always from authentic originals. And though this had been otherwise, I believe most readers will find it convenient, to have all the information necessary on the subject, collected into one book.

No. I.

Declaration that the Assembly is constituted,

JUNE 17, 1789.

THE ASSEMBLY, deliberating after having verified its powers, recognizes, that this Assembly is already composed of Representatives sent directly by at least ninety-six hundredth-parts of the nation.

Such a mass of deputation cannot remain inactive, on account of the absence of the Deputies of some bailliages, or of certain classes of citizens ; for such as are *absent*, and have been summoned, cannot prevent those that are *present* from the full exercise of their rights, especially when the exercise of those rights is become an imperious and pressing duty.

Besides, since it belongs only to the Representatives who have verified their powers, to concur in the formation of the national wish, and since all the Representatives so verified should be in this Assembly, it is therefore indispensable to conclude that it belongs to it, and to it only, to interpret and exhibit the general will of the nation ; so that between the Throne and this Assembly, there can exist no VETO, no negative power.

The Assembly therefore declares, That the common work of National Reform can, and ought to be

be commenced without delay by the Deputies present, and that they ought to pursue it without interruption, and without obstacles.

The denomination of NATIONAL ASSEMBLY is the only one befitting the Assembly in the actual situation of affairs, because the Members composing it are the only Representatives lawfully and publicly acknowledged and verified ; because they are directly sent by almost the whole of the nation ; and lastly, because the Representation being one, and indivisible, none of the Deputies chosen, in whatever order or class, has a right to exercise his functions separately from the present Assembly.

The Assembly will not forego the hopes of uniting to itself all the Deputies this day absent ; it will not cease to call them to fulfil their obligation of concurring at the holding of the States-General. The moment the absent Deputies shall present themselves in the course of the Session now about to commence, the Assembly declares beforehand, that it will be eager to receive them, and to share with them, after the verification of their powers, the continuance of those important labours which are to procure the regeneration of France.

THE NATIONAL ASSEMBLY determines, That the motives for the present deliberation shall be immediately drawn up, in order to be presented to the King and to the Nation.

No. II.

A Declaration against any Interruption of the Assembly's Labours, and for an Oath never to separate till they had finished the Constitution.

JUNE 20, 1789 *.

THE NATIONAL ASSEMBLY taking into consideration, that being called to fix the Constitution of the Kingdom, to bring about the restoration of public order, and to maintain the true principles of the monarchy, nothing can prevent it from continuing its deliberations, in whatever place it may be forced to establish itself; and that, in short, wherever its Members are met, there is the NATIONAL ASSEMBLY :

Determines, That all the Members of this Assembly shall instantly take a solemn oath, *never to separate, but to re-assemble whenever circumstances shall require, until the Constitution of the Kingdom be confirmed, and established upon solid foundations*; and that the said oath being taken, all the Members, and each one in particular, shall confirm by their signature this inviolable resolution.

* This Decree passed in the Tennis-Court, where the Assembly were obliged to meet, when the troops, by order of the King, had excluded them from their House.

No. III.

No. III.

*Resolution to demand the Removal of the Troops
assembled in the Environs of Paris and Versailles.*

JULY 8, 1789.

THE National Assembly have resolved, That an humble Address shall be presented to the King, to exhibit to his Majesty the extreme alarms that have been excited in the National Assembly of his kingdom, by the abuse that for some time past has been made of the name of a good King, to cause to approach to the capital, and to this city of Versailles, a train of artillery, and a numerous body of troops, both foreign and national, of which some are already cantoned in the neighbouring villages ; and also by the approaching formation of several camps in the environs of these cities ;---that it shall be represented to the King, not only how much these measures are opposite to the beneficent intentions of his Majesty to relieve his people in the present unhappy dearth and scarcity of grain ; but, still more, how contrary they are to the liberty and the honour of the National Assembly, and how much they tend to interrupt that precious confidence between the King and his people, a confidence which forms the glory and the safety of the Monarch, and which alone can ensure the repose and tranquillity of the kingdom, and procure to the nation those inestimable fruits

which are expected from the labour and the zeal of this Assembly;---that his Majesty shall be supplicated, in the most respectful manner, to confirm the minds of his faithful subjects, by issuing the necessary orders for the immediate cessation of those measures which are equally useless, dangerous and alarming, and for the prompt removal of the troops and the train of artillery to their former stations.

No. IV.

[Here follows the Address prepared in consequence of this Resolution, and which was read twice, and adopted in the Sitting of the

9th of JULY 1790.]

ADDRESS to the KING.

SIRE!

YOU have invited the NATIONAL ASSEMBLY to testify their confidence in your Majesty: this was to anticipate the warmest of their wishes.

We come to communicate to the paternal solicitude of your Majesty, the most alarming apprehensions. If we were the object of them, if we had the weakness to fear for ourselves, still your goodness

ness would deign to confirm our minds, and, even while blaming us for having doubted of your intentions, you would meet our disquietudes with complacency, you would dissipate the cause of them, you would leave no sort of uncertainty with respect to the position of the National Assembly. But, SIRE, we implore not your protection; that would be to offend your justice. We have conceived fears, and we dare to affirm that these fears are attached to the purest patriotism, to the interest of our constituents, to the public tranquillity, to the happiness of a beloved Monarch, who, in smoothing to us the road to happiness, well deserves to walk in it himself without interruption.

It is from the workings of your heart, SIRE, that the true salvation of the French must proceed. While troops are advancing from all parts, while camps were forming on every side, while the capital was invested, we interrogated each other with astonishment, Is the King diffident of his people? And if he could have doubted of their fidelity, would he not have confided to our bosom his paternal disquietude? What mean these threatening preparations? Where are the enemies of the State and of the King—against whom it is pointed? Where are the rebels, the conspirators, to be reduced?—From the capital, and from every corner of the kingdom, one unanimous voice replies: *We cherish our King: We bless Heaven for the free offering which he has made us of his love.*

SIRE, The *religion* of your Majesty could not be surpris'd, except under the pretext of the public good. Had the persons who have given these *counsels* to our King, repos'd sufficient confidence in their principles to exhibit them before us, that very moment the cause of Truth would have obtained a glorious and complete triumph.

The State has nothing to fear, but from those pernicious principles that dare to besiege the the Throne itself, and which respect not the conscience of the purest and most virtuous of Princes.

And what are the means, SIRE, by which they have been able to induce your Majesty to call the attachment and the love of your subjects in question? Have you been prodigal of your people's blood? Are you cruel or implacable? Have you abused the name of Justice? Is it to you that the people impute their miseries? Do they name you in their calamities? Has the tongue of Calumny told you that the people are impatient of your yoke—that they are tired of the sceptre of the Bourbons? No: Calumny is not altogether absurd; she seeks to colour the blackness of her designs with somewhat of the semblance of truth.

Your Majesty has lately had an opportunity of seeing all that you can do for your people; subordination is re-established in the capital, agitated as it was by tumults; prisoners restored to freedom by the multitude, have, of themselves, re-assumed their fetters; and public order, which perhaps might have cost a torrent of blood, had force been employed,

employed, is re-established by one word of your mouth. But this word was a word of peace; it was the expression of your heart, and to the sentiments of that heart your subjects will ever esteem it their glory to submit. How glorious is it to exercise this empire of the heart! It was that of Louis the Ninth, of Louis the Twelfth, of Henry the Fourth. It is the only empire that is worthy of you.

We would deceive you, SIRE, if, forced by the present circumstances, we did not add, that this empire is the only one which it is possible at this day to exercise in France. France will no longer suffer the best of Kings to be abused, nor that evil-minded persons should lead him aside from the noble plan which he himself has traced. You have called us, in concert with you, to fix the Constitution, to operate the regeneration of the kingdom: the National Assembly now solemnly declares, that your wishes shall be accomplished, that your promises shall not be vain; that neither snares, difficulties, nor terrors, shall retard their progress, nor intimidate their courage.

Where, then, our enemies will affect to say, is the danger of the troops? What mean their complaints, since they are inaccessible to discouragement?

The danger, SIRE, is pressing—is universal—is beyond all the calculation of human prudence.

The danger arises from the people of the provinces. Once alarmed for our Liberty, there is

no

no restraint that can keep them within bounds. The very distance magnifies every object, exaggerates every thing—doubles, irritates, and envenoms the disquietudes.

The danger arises from the capital. With what disposition of mind can the people, in the midst of indigence, and tormented with the most cruel agonies—with what disposition of mind can they behold a threatening soldiery disputing with them the wrecks of their subsistence? The presence of the troops will incense, will excite them to tumult, will produce a general fermentation; and the first act of violence, exercised under the pretext of policy, may commence a train of the most horrible calamities.

The danger arises from the troops. French soldiers approaching the centre of discussion, and participating in the passions as well as the interests of the people, may forget the engagement that made them *soldiers*, to remember that nature made them *men*.

The danger, SIRE, menaces those labours which are our first duty, and which can have no real success, nor true permanency, except in so far as the people shall regard them as entirely free. There is besides a contagion in passionate emotions. We are but men: diffidence in ourselves, the fear of appearing weak, may carry us beyond our object; we shall of necessity be beset by violent and excessive counsels—calm reason and serene wisdom deliver

liver not their oracles in the midst of tumult, of faction, and disorder.

The danger, SIRE, is still more terrible ; judge of its magnitude by the alarms which cause us to come before you. Great revolutions have had their origin in causes much less striking ; and many an enterprize, fatal to nations, has been announced in a manner less ominous, and less formidable.

Believe not those who talk to you lightly of the nation, and who, according to their views, represent the people to your Majesty, sometimes as insolent, seditious, rebellious ; sometimes as submissive, docile to the yoke, and ready to bow the head to receive it. Both the portraits are equally untrue.

Ever ready to obey you, SIRE, because you command in the name of the Law, our fidelity is without bounds, as it is without reproach.

Ready to resist the arbitrary commands of those who abuse your name, because they are enemies of the law, our very fidelity enjoins that resistance, and we shall ever esteem it our honour to merit the reproaches which our firmness may draw down upon us.

SIRE, we conjure you, in the name of the country, in the name of your happiness and of your glory, send back your troops to the posts from which your counsellors have drawn them ; send back that artillery destined to cover your frontiers : above all, remand the foreign troops, those allies of the nation, whom we pay to defend, and not to disturb

disturb the tranquillity of our fire-sides ; of them your Majesty has no need. Ah ! why should a King, adored as he is by twenty-five millions of Frenchmen, gather round his throne, at a great expence, a few thousand strangers ?—SIRE, in the midst of your children, be guarded by their love !

The Deputies of the nation are called to consecrate with you the eminent rights of royalty, on the immutable basis of the liberty of the people. But whilst they fulfil their duty, whilst in this they yield to reason, to their sentiments of justice, would you expose them to the suspicion of having yielded only to their fears ? Ah ! the only pure, the only impregnable authority, is the empire which you hold in every heart ; it is the just return of your beneficence, and the immortal attribute of princes, of whom you will become an illustrious example.

No. V.

R E P O R T

OF THE

COMMITTEE OF CONSTITUTION,

*Read by Mons. MOUNIER, in the NATIONAL
ASSEMBLY, July the 9th, 1789.*

GENTLEMEN,

YOU have appointed a Committee to draw up a plan for your labours on the Constitution of the kingdom. We are now going to present you with one, which appears to us to be proper: and you will, in your wisdom, examine whether it will answer the views by which you are animated.

To draw up a plan of proceeding in any work, it is necessary to consider it in its principal relations, in order to arrange its different parts. How can their mutual connections and dependencies be justly preserved, if a comprehensive view has not been taken of the whole?

We have been obliged to form a precise idea of the meaning of the word CONSTITUTION; and
when

when this meaning was once fully settled, we were to consider of such a Constitution as might be adapted to a kingdom inhabited by twenty-four millions of men, a Constitution of which our constituents have had a general, though indistinct view.—We think that a Constitution is nothing else than a fixed and settled form of Government; that this order cannot exist, if it is not supported by fundamental rules, framed by the free and express consent of a nation, or of those who are chosen as its Representatives. A Constitution, then, is a precise and constant form of Government; or if you will, it is the expression of the rights and obligations of the different powers which compose it. When the form of Government is not fixed by the will of the people clearly expressed, there is no Constitution; there is only a Government *de facto*, which varies with circumstances, and which is the sport of contingencies. Authority has then more power to oppress men, than to secure their rights. The Governors and the People are equally unhappy.

Undoubtedly we cannot say, that, in France, we are entirely destitute of all those fundamental laws which are requisite for the formation of a Constitution. We have had Kings fourteen centuries. The sceptre was not seized by force, but was the gift of the nation. From the earliest periods of the monarchy, she has made choice of a family, for which she has reserved the possession of the throne. Free-men bore their Prince upon a buckler, and
made

made the air resound with their acclamations, and with the noise of their arms, which they struck in testimony of their joy. Revolutions, as frequent as they must unavoidably be amongst people who had never distinguished the different kinds of power, shook the throne, and changed the dynasties. These revolutions sometimes favoured the increase, sometimes occasioned a diminution of the royal authority ; but the French always perceived that a King was necessary to them. The power of the Prince has been long fettered by a Feudal Aristocracy, but it has never been forgotten by the People. Incessant appeals have been made to it, against injustice ; and even in times of the grossest ignorance throughout the empire, the helpless victim of oppression has ever looked up to the Throne for protection.—The fatal consequences which ensued from the division of the royal authority amongst Princes of the same family, established the *indivisibility* of the throne, and the order of succession, according to primogeniture. That the kingdom might not be exposed to the dominion of Foreigners, that the Crown might be secured to a Frenchman, and that our Kings might always be citizens, women are excluded from the throne. These sacred maxims have always been solemnly acknowledged in every assembly of the Representatives of the nation, and we are sent by our constituents to give them new force.

It is also an acknowledged principle, that the French cannot be taxed without their own consent ;

sent ; and during the long oblivion of the rights of the People, whenever authority expressed itself on this important subject, it declared that the subsidies were a free and voluntary gift.

But notwithstanding these inestimable maxims, we have not a determined and complete form of Government, we have not a Constitution ; since all kinds of power are confounded, and no limits are marked out. The Judicial power is not even separated from the Legislative. Authority is widely scattered ; its different parts are ever in contradiction ; and, in their perpetual conflict, the obscure rights of the citizen are betrayed. The laws are openly despised, or rather there is no general agreement as to what may be called laws. The establishment of royal authority is not sufficient to create a Constitution : if this authority be unlimited, it is necessarily arbitrary ; and nothing is more directly opposite to a Constitution than despotic power. But it must be confessed, that, in France, the want of a Constitution has not to this day been favourable to the Monarch. Assuming Ministers have often abused his authority : he has only enjoyed, at certain intervals, all that power which ought to belong to him for the welfare of the nation. How many times have plans, conceived for the happiness of France, met with obstacles which have violated the majesty of the throne !

Have there not been unremitting, and almost always disadvantageous struggles, against the pretensions of particular bodies, and a multitude of privileges ?

gent Administrators, are of five Classes—I. Of

eight Sections of the Metropolis.

Notables; A. Governors of the Communes;

who shall order the District to investigate it.

by the Department. In Towns of more than

direct Taxes payable by the Community—to

net Public Works, and take care of the Police.

for other Two years, but not again till an

be so on all important occasions.

review the Conduct of the Bureau. They

ally for the Purpose of conducting Business.

or Principal Men of the Community, double

—Nine from 3 to 10,000—Twelve from 10

or employed in Offices of Judicature.

UNITY.

for all Persons living within their Jurisdictions.

dge of Peace in each of the 48 Sections, and in

a certain amount.

a for Damages, Quarters, &c. without Appeal

five Citizens.

nts and Districts. They cannot be at the same

as his Assistants.

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Coun

fron

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DISTRICT ; in Criminal Cases, by and in
 ARBITERS ; and *Parents and Tutor* in
 proceeds by VICARS of MINISTOLIT

By the Sixth Article of the Declaration of
 “ capacity, and without any other appli
 had been interrupted in their Worshgion
 in the manner their Consciences do hav
 “ Duties of Public Offices, no Rega

fait

IN THE NAME OF THE PEOPLE
 OF THE UNITED STATES OF AMERICA
 DO hereby declare that the rights of
 men are unalienable and that among
 these are Life, Liberty and the Pursuit
 of Happiness. That to secure these
 rights, Governments are instituted among
 Men, deriving their just powers from the
 consent of the governed. That whosoever
 represents the People must be answerable
 to them for the discharge of the
 duties of office.

DECLARATION OF INDEPENDENCE

1776

privileges? Power in France has not, to this day, had any solid foundation: hence ambition has frequently been enabled to appropriate it to itself, to carry its own schemes into execution.

A Constitution, which should precisely mark out the respective rights of the Monarch, and of the Nation, would be as beneficial to the King, as to our fellow-citizens. He wishes that his subjects may be happy; he will participate in their happiness; and when he shall act in the name of laws, which he shall have framed in conjunction with the Representatives of his People, no body of men, no individual, however elevated be their rank or fortune, will have the temerity to oppose his power. His situation will be a thousand times more glorious and fortunate, than that of the most absolute despot. Arbitrary power is a misfortune to those who exercise it: the Ministers to whom they are compelled to entrust it, are perpetually attempting to usurp it for their own advantage; they are incessantly obliged either to yield it up, or to reclaim it.

As one of our first orators one day said, At what æra of our Monarchy shall we look for examples of our pretended Constitution? Will any one propose, as a model, the assemblies in the months of March and of May, under the first and second race, where all free-men appeared in arms, and deliberated on public affairs? Surely we should not, at this time, be desirous of so tempestuous a liberty, which requiring a general concourse of the
b
people,

people, and almost existing by an immense assemblage of individuals, could not subsist without the re-establishment of domestic and territorial servitude, in order that, after the example of our ancestors, during the absence of the greater part of the free men, slaves might take care of our land, and of our houses. We do not desire a liberty without regulations, which would invest the multitude with arbitrary authority, incline them to error and precipitation, and invite anarchy and despotism, which follows in her train, ever ready to seize her prey. Shall we call the feudal aristocracy the Constitution of the kingdom, which has so long oppressed and laid waste this beautiful country? Shall we regret those times in which the Representatives of the Clergy, the Noblesse, and the Commons, called, after long intervals, to furnish the Prince with subsidies, presented petitions and complaints, suffered themselves to be interdicted the right of deliberating by orders of council, permitted all kinds of abuses to subsist, abandoned themselves wholly to wretched animosities among one another, rivetted the chains of slavery instead of breaking them, and devoted their country, by their weakness, to all the evils which they knew how to describe in their complaints, but the renewal of which they dared not attempt to prevent?—If these examples can seduce us, let us renounce the States General, they will be as useless as those which have preceded them; they will only add to the oppression of France.

Shall

Shall we chuse the time that has passed since the year 1614; that is to say, the time in which all kinds of rights have been misunderstood—in which arbitrary power has left the nation without Representatives? If so, why are we now assembled? Why have we accepted the confidence of our constituents?

But we will not lose our invaluable time in disputing about *words*, if we are all agreed about *things*. Even those who maintain that we *have* a Constitution, acknowledge that it wants to be made perfect and complete. The end is then the same; a happy Constitution is desired. Let us place in the body of the Constitution, as fundamental laws, all true principles. Let us repeat them, to give them a new force, if it be true that they have been already laid down; let us destroy what is evidently faulty; let us finally fix the Constitution of France, and if good citizens are satisfied with it, what does it signify whether some call it *old* and others *new*, provided, by the consent of *all*, it assumes a sacred character? The greatest part, and perhaps all our instructions, impose upon us a necessity of fixing the Constitution of the kingdom; of establishing or determining fundamental laws, to secure for ever the prosperity of France. Our constituents have forbidden us to grant any subsidies before the Constitution is established. We will then obey the nation by labouring, without interruption, in this important work. We will never betray our rights, neither will we exaggerate them. We will not forget that the French are not a new people, who have just quitted their forests

to form an association ; but a great society of twenty-four millions of men, which is desirous of drawing closer those ties which hold all its parts together, which wishes to regenerate the kingdom, and which will ever hold sacred the true principles of monarchical Government. We must not forget that we are accountable to the nation for every moment of our time—for all our thoughts ; that we owe an inviolable respect and fidelity to royal authority, and that we have it in charge to maintain it by imposing invincible obstacles to arbitrary power. We will distinguish, Gentlemen, amongst the objects recommended to us, what belongs to the Constitution, from what solely belongs to the formation of laws. This distinction is easily made ; for it is impossible to confound the organization of the powers of the State with those rules which are framed by the Legislature. It is evident that we should consider ourselves under two points of view : whilst we are engaged in the care of fixing this organization upon a solid foundation, we shall act as *constituents*, by virtue of the powers which we have received ; whilst we are engaged in the making of laws, we shall act simply as *constituted persons*.

But ought we first to be engaged in forming a Constitution, or in making laws ? Surely the choice is not difficult. If laws could be prepared before the character and boundaries of the different kinds of powers were distinctly marked, it is true that we might derive great advantage from so regulating
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the order of our proceedings, that we might be exercised in matters of easy atchievement in our passage to others of greater difficulty ; but those to whom this order would be agreeable, should consider, that if we were to begin upon those articles of legislation contained in our respective instructions, we should give rise to a great number of questions: every one, to give a proof of his zeal, would wish to propose the reformation of some abuse. In the diversity of objects which would present themselves at once, we should be obliged to decide which of them were of the greatest importance. There would be no end to our discussions, and the restoration of public credit would be retarded, since we cannot enter upon the business of the necessary supplies, till we have established a Constitution. Those who know the value of time, and who wish to guard against all contingencies, always select out of those actions in which they intend to be engaged, such as are *indispensably necessary*, before they pass on to such as are merely useful, or will admit of delay.

Certainly the evils which our fellow-citizens endure, call for new laws ; but it is of much less importance to make laws, than to secure the execution of them ; and laws will never be executed, till arbitrary power is destroyed by a well-regulated form of Government. Besides, there is no important law which does not require the co-operation of the different powers, and which is not modelled agreeably to their organization. It is, doubtless,

to be lamented that we cannot, in a single session, do all the good to which our zeal would animate us ; but let us at least do what is evidently necessary. There are no evils for which liberty does not offer a consolation—no advantage which could compensate its loss. Let us seize the favourable moment—let us hasten to procure it for our country—let us take advantage of the beneficent intentions of his Majesty. When once liberty shall be fixed, and the legislative power determined, good laws will naturally follow. By securing the periodical return, or the continuance of National Assemblies ; by determining their form and composition ; by regulating the bounds of every kind of power—these are the methods by which liberty is to be established. There is not one of us who ought not to consider himself abundantly happy, in being able to present his constituents, as the sole result of the labours of this Assembly, a good Constitution ; and we should have little reason to hope for the honour of their approbation, were we to offer them a few unconnected laws, whilst we abandoned the public liberty.

The general happiness being the object of every society, that form of Government which neglects this object, or is contrary to it, is essentially vicious. A Constitution, to be a good one, must be founded upon the Rights of Man, and must evidently protect them. To frame such a Constitution, we must notice those rights which natural justice grants to every individual ; we must lay down those principles

principles which should form the basis of every kind of society ; and each article of the Constitution must be clearly deduced from some principle. A great number of modern Civilians call the statement of these principles a *Declaration of Rights*. The Committee think that it would be proper, in order to point out the object of our Constitution, to preface it by a Declaration of the Rights of Man, but to place it in the form of a preamble at the head of the articles of Constitution, and not to present it separately. The Committee think that this last-mentioned plan would have little utility, and might be inconvenient : that abstract and philosophical ideas, unaccompanied by consequences, might give room for the substitution of others, different from those which would be admitted by the Assembly : that by not decreeing definitively the Declaration of Rights, till the moment in which the examination of all the articles of the Constitution should be finished, they would have the advantage of combining more exactly every thing which ought to be admitted in their general exposition of principles, and received as a legitimate consequence of those principles.

This declaration should be short, simple, and precise : the first occupation of the Assembly then should be the Declaration of Rights, considered as the preamble of the Constitution, without definitively decreeing it.

Here the Committee should communicate their views as to the direction of the Assembly's proceedings,

ceedings, with regard to the Constitution. This is a matter of too great importance, not to require the aid of all the light that can be thrown upon it. It would be highly dangerous to devolve upon a Committee the care of drawing up a plan of the Constitution, and then to come to a decision upon it in a few sessions. The fate of twenty-four millions of men ought not thus to be exposed to the risk of precipitate deliberations. It would be more agreeable to prudence, to submit each article of the Constitution to discussion in all the bureaux at the same time ; to establish a Committee of Correspondence, which should meet at certain times, to compare the opinions which might appear to prevail in the different bureaux, and who should endeavour, by these means, to produce a certain uniformity of principles. As the articles of the Constitution should be most intimately connected with each other, no single article can be decreed, till all of them have undergone the most mature consideration. The *last* article may occasion reflections upon the *first*, which may require some change or modification in it. The discussion of the articles of the Constitution will, perhaps, consume a considerable portion of time ; but no motive ought to induce us to act with precipitation. The greatest of all evils, to which we could be exposed, would be a vicious Constitution. But that we may not be supposed to be in a state of inactivity, whilst our most important interests are in agitation, and the more easily to procure to all the members of this Assembly the

means

means of mutually acquiring and communicating information, three general sessions should be held every week, in which those topics should be publicly debated, which shall have undergone a previous discussion in the bureaux. By this conduct, we shall unite many advantages; we shall act agreeably to our principles, and shall profit by the information of those who wait for new instructions to vote in this Assembly. They will doubtless be eager to communicate to us their reflections; and during this examination, they will find that time which is necessary to obtain a greater degree of liberty, without restraining by this consideration the activity of this Assembly, which ought never to be suspended.

After the declaration of the rights which men ought to enjoy in all societies, we should pass on to the principles which constitute true monarchy—then to the peculiar rights of the French. The Representatives of the nation, by solemnly renewing the declaration of the rights of the King, will rest his authority upon an immovable foundation. We might then examine in succession, all the methods by which the exercise of the respective rights of the Nation and the Monarch may be secured. The Committee will have the honour to submit to your inspection the principal decision of a plan of Constitution. If the Assembly desire it, they will immediately exhibit to them a scheme of subdivisions.

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The moment is then approaching, which will decide the destiny of France. May your zeal, Gentlemen, meet with all the success which it deserves! May a reciprocal confidence dissipate all alarms! May it even be remembered, that whatever is just and useful, whatever contributes to support public order, is of consequence to the nation---and that we are all of us its defenders! We doubt not that the Deputies of all parts of the kingdom will no longer contend for particular rights, which could not secure their provinces from the yoke of arbitrary power. They will prefer a general liberty, a common happiness, to the melancholy privilege of being distinguished in slavery by some slight advantages. May all the provinces, acting by their Representatives, contract an eternal alliance with each other, and with the Throne!

ORDER

ORDER OF PROCEEDING,

Proposed by the COMMITTEE.

ART. I. THE sole end of every government ought to be the maintenance of the rights of man; whence it follows, that, to determine the government invariably to this object, the Constitution ought to begin by a declaration of the natural and unalienable rights of man.

II. The monarchical form of government, being calculated to maintain these rights, has been chosen by the French nation. It is peculiarly adapted to an extensive society; it is necessary to the happiness of France. The declaration of the principles of this government should then immediately follow the declaration of the rights of man.

III. It follows, from the principles of monarchy, that the nation, to secure its own rights, has granted particular rights to the Monarch. The Constitution should then declare, in a precise manner, the rights of each.

IV. We should begin by declaring the rights of the French nation.

We should then declare the rights of the King.

V. The rights of the King and the Nation only existing for the happiness of the individuals of which

which it is composed, we are naturally led to the examination of the rights of citizens.

VI. It not being possible to collect the French nation individually for the exercise of all its rights, it ought to be represented. We must then mark out the mode of this representation, and the rights of its representatives.

VII. From the union of the powers of the Nation and of the King should proceed the establishment and the execution of the laws ; we must then first determine how the laws shall be made.

We must then examine how the laws are to be executed.

VIII. The objects of the laws are the general administration of the kingdom, the actions and properties of the citizens.

The execution of those laws which respect the general administration, requires provincial and municipal assemblies ; we must then enquire how each of these assemblies ought to be organized.

IX. The execution of those laws which respect the property and actions of citizens, necessarily requires the judicial power : we must determine to whom this power ought to be entrusted ; we must afterwards determine its obligations and limits.

X. For the execution of the laws, and the defence of the kingdom, there must be a public force ; the principles by which that force must be directed, are then to be determined.

RECAP.

RECAPITULATION.

- I. Declaration of the Rights of Man.
- II. The Principles of Monarchy.
- III. Rights of the Nation.
- IV. Rights of the King.
- V. Rights of Citizens under the French Government.
- VI. Organization and Functions of the National Assembly.
- VII. Necessary Forms in the making of Laws.
- VIII. Organization and Functions of the Provincial and Municipal Assemblies.
- IX. Principles, Obligations, and Limits of the Judiciary Power.
- X. Functions and Duties of the Military Power.

No. VI.

*Resolution to demand the Removal of the Troops, and
the Establishment of a Guard of Citizens.*

JULY 13, 1789.

THE National Assembly has unanimously resolved, That a deputation shall be sent to the King, to represent to him the dangers that threaten the capital, and the kingdom in general; the necessity to remand the troops, whose presence serves only to irritate the despair of the people, and to confide the protection of the city to a militia composed of citizens.

It has also been resolved, That if the Assembly shall obtain the King's assurance for the removal of the troops, and the establishment of a city militia, they shall then send their Deputies to Paris, to communicate the consolatory tidings, and to contribute to the restoration of tranquillity.

No. VII.

Resolution for the Removal of the Troops, the Responsibility of Ministers, &c.

JULY 13, 1789.

[The Deputation being returned, and the President having given an account of the negative answer that had been made by the King, the Assembly came then to the following Resolution:]

THE Assembly, as interpreter of the nation, declares, That Mr. Neckar and the other Ministers who have been removed, carry with them their esteem and their regret.

Declares, That, terrified by the fatal consequences that may flow from the King's answer, they will never cease to insist on the removal of the extraordinary troops that have been assembled near the cities of Paris and Versailles, and on the establishment of a body of armed citizens.

Declares again, That there can exist no *intermediate person* between the King and the National Assembly.

Declares, That the Ministers, and all the agents, civil and military, of authority, are responsible

sible for every enterprize contrary to the rights of the Nation, and to the decrees of this Assembly.

Declares, That the present Ministers and Counsellors of his Majesty, of whatever rank and condition they may be, and of whatever nature their functions may consist, are personally responsible for the present evils, and for those that may follow.

Declares, That the public debt having been put under the safeguard of the honour and loyalty of the French, and the Nation not refusing to pay the interest of that debt, no power whatever has a right to pronounce the infamous word *bankruptcy*---no power has a right to annul the public faith, under any form or denomination whatever.

In fine, the National Assembly declare, that they persist in their former resolutions, and especially in those of the 17th, the 20th, and the 23d of June last.

And the present deliberation shall be delivered to the King by the President of the Assembly, and printed for the benefit of the public.

No. VIII.

Resolution on the present State of Paris.

JULY 14, 1789.

THE National Assembly, profoundly affected by disasters which they had too clearly foreseen, have not ceased to demand of his Majesty the entire and absolute removal of the troops that have been assembled in the capital and its environs. They have again sent, in the course of this day, two deputations to the King on that subject, which night and day never ceases to employ their thoughts. They have communicated to the Electors, the two answers which they have received. They will renew to-morrow the same measures—they will render their remonstrances still more pressing, if possible—they will never cease to repeat this, and to try new efforts, till such time as they have obtained the success which they have reason to expect, from the justice of their remonstrance, and from the goodness of the King's heart, when foreign impressions shall cease to counteract its wonted movements.

No. IX.

Resolution to send a new Deputation to the King.

JULY 15, 1789.

THE National Assembly, pressed by the double duty of enlightening his Majesty, whom perfidious councils have deceived, and of flying to the assistance of an immense people afflicted by the greatest calamities, have resolved to send instantly to the King, a deputation of twenty-four persons, having at their head Monsieur the Marquis de la Fayette, Vice-President, to whom they commit the care of expressing the sentiments of the Assembly, and of exhibiting the various objects that excite their uneasiness and their grief.

No. X.

*Resolution with regard to the Means of restoring
Tranquillity.*

JULY 15, 1789.

THE National Assembly have resolved, That the same deputation which was named on the 13th of this month to repair to Paris, shall instantly depart for that city; that they shall employ all their efforts, and every means in their power, to restore tranquillity, to consolidate the guard of citizens; and that they shall publish in every quarter of the city, the assurances given by the King, that the troops were going to be removed from Paris and Versailles.

No. XI.

*Resolution to demand the Removal of the Ministers,
and the Recal of M. Necker.*

JULY 16, 1789.

[A Motion having been made for the Removal of the Ministers, and the Recal of M. Necker,]

THE National Assembly have decided, That a deputation shall be sent to the King to demand a compliance with the above measures, and that the Address to be presented shall be referred to the Committee for drawing up papers.

No. XII.

*Resolution relative to the Dismission of the Ministers,
and to the King's proposed Visit to Paris.*

The 16th JULY, 1789.

THE National Assembly (informed that the dismission of the Ministers was effected, and that the King proposed to go to Paris the day after) have resolved

solved to send a deputation to the King, to return him the thanks of the Assembly, and to beg that he would permit a numerous deputation to accompany him in his entry into Paris: It is also resolved, that a deputation shall depart on the instant, to inform the capital of these satisfactory measures.

No. XIII.

PROCLAMATION *to invite the People to
Tranquillity.*

The 23d JULY, 1789.

THE National Assembly considering, that since the first instant of their formation, they have never taken any resolution but what ought to have secured to them the confidence of the people ;

That they have established the primary bases on which liberty and public felicity should rest ;

That the King has now acquired a greater claim than ever to the confidence of his faithful subjects ;

That he has not only himself invited them to reclaim their liberty and their rights, but that, agreeably to the wishes of the Assembly, he has also removed every subject of distrust that could alarm the minds of his people ;

That he has removed from the capital the troops, whose presence or approach had there excited terror and dismay ;

That he has removed from his person the counsellors who were an object of disquiet to the nation ;

That he had recalled those whose return was an object of the people's wish ;

That he came into the midst of the National Assembly with the confidence that a father feels in the midst of his children, to demand their assistance to save the State ;

That, guided by the same sentiments, he had entered the capital to mingle with his people, and to dissipate, by his presence, whatever fears had been conceived ;

That in the perfect concert established between the Chief and the Representatives of the nation, and after the re-union of all the Orders of the State, the Assembly is now occupied, and will never cease to occupy itself with the grand object of the Constitution ;

That whatever distrust should now interrupt a harmony so precious, would retard the labours of the Assembly, would be an obstacle to the intentions of the King, and would give, at the same time, a fatal blow to the general interest of the nation, and to the particular interests of all the individuals that compose it ;

That, in fine, every citizen should tremble at the very idea of those troubles of which the deplorable

rable consequences would be, the dispersion of families, and the interruption of commerce; calamities which would afflict the poor by the privation of relief, the mechanic by the cessation of labour, and all men by the overthrow of social order :

The National Assembly, therefore, invite every Frenchman to peace, to the maintenance of order and of public tranquillity, to the confidence which he owes to the King and to his Representatives, and to that respect for the laws, without which there is no real liberty.

They declare, That with respect to the agents of authority, who may have caused, or would cause, by their crimes, the miseries of the people, they ought to be accused, convicted, and punished ; but that this ought to be done by the law alone, and that the law ought to protect them till such time as it has decided on their crimes : that the prosecution of crimes of *Lèse Nation*, or treason to the nation, belongs to the Representatives of the nation : that the Assembly, in the plan of the Constitution which incessantly occupies their thoughts, will indicate the tribunal before which every person shall be brought, accused of crimes of that nature, to be judged according to the law, and by fair and open trial.

This Declaration shall be printed, and transmitted by all the Deputies to their respective constituents.

No. XIV.

DECLARATION OF THE RIGHTS OF MAN,
AND OF THE CITIZENS.*26th of AUGUST, 1789.*

THE Representatives of the people of France, formed into a National Assembly, considering that ignorance, forgetfulness, or contempt of the Rights of Men, are the sole causes of public grievances, and of the corruption of government, have resolved to exhibit in a solemn Declaration, the natural, unalienable, and sacred Rights of Man, in order that this Declaration, ever present to all the Members of the SOCIAL BODY, may incessantly remind them of their rights and of their duties ; to the end that the acts of the legislative power, and those of the executive power, being every moment compared with the end of all political institutions, may acquire the more respect ; in order also that the remonstrances of the citizens, founded henceforward on simple and incontestible principles, may ever tend to maintain the Constitution, and to promote the general good.

For

For this reason the National Assembly recognizes, and declares in the presence, and under the auspices of the Supreme Being, the following Rights of Men and of Citizens.

ARTICLE FIRST.

All men are born, and remain, free and equal in rights : social distinctions cannot be founded but on common utility.

II. The end of all political associations is the preservation of the natural and imprescriptible rights of man : these rights are liberty, property, security, and resistance against oppression.

III. The principle of *sovereignty* resides essentially in the nation : *no body of men, no individual*, can exercise an authority that does not emanate expressly from that source.

IV. *Liberty* consists in the power of doing every thing except that which is hurtful to another : hence, the exercise of the natural rights of every man, has no other bounds than those that are necessary to ensure to the other members of society the enjoyment of the same rights : those bounds to be determined by the law only.

V. The law has a right to forbid those actions alone, that are hurtful to society. Whatever is not forbidden by the law, cannot be hindered ; and no person can be constrained to do that which the law ordaineth not.

VI. The law is the expression of the general will : all the citizens have a right to concur personally

nally, or by their representatives, to the formation of the law: it ought to be the same for all, whether it protect, or whether it punish. All citizens being equal in the eye of the law, are equally admissible to public honour, places and offices, according to their capacity, and without any other distinction but that of their virtue, or their talents.

VII. No man can be accused, arrested, or detained, except in cases determined by the law, and according to the forms which the law hath prescribed. Those who solicit dispatch, execute, or cause to be executed, arbitrary orders, ought to be punished; but every citizen that is summoned, or seized in virtue of the law, ought to obey instantly—he becomes culpable by resistance.

VIII. The law ought to establish such punishments only as are strictly and evidently necessary; and no person can be punished, but in virtue of a law established and promulgated prior to the offence, and legally applied.

IX. Every man being presumed innocent till such time as he has been declared guilty, if it shall be deemed absolutely necessary to arrest a man, every kind of rigour employed, not necessary to secure his person, ought to be severely punished by the law.

X. No person shall be molested for his opinions, even such as are religious, provided that the manifestation of those opinions does not disturb the public order established by the law.

XI. The

XI. The free communication of thought, and of opinion, is one of the most precious rights of man. Every citizen, therefore, may freely speak, write, and publish his sentiments ; subject, however, to answer for the abuse of that liberty, in cases determined by the law.

XII. The guarantee of the rights of man and citizens involves a necessity of *public force*. This force is then instituted for the advantage of all, and not for the particular utility of those to whom it is confided.

XIII. For the maintenance of the public force, and for the expences of administration, a common contribution is indispensibly necessary : this contribution should be equally divided amongst all the citizens, in proportion to their abilities.

XIV. Every citizen has a right, by himself, or by his representatives, to decide concerning the necessity of the public contribution ; to consent to it freely ; to look after the employment of it ; to determine the quantity, the distribution, the collection, and duration.

XV. Society has a right to demand from every public agent, an account of his administration.

XVI. That society in which the guarantee of rights is not assured, nor the separation of powers determined, has *no constitution*.

XVII. Property being a right inviolable and sacred, no person can be deprived of it, except when the public necessity, legally ascertained, shall evidently

evidently require it, and on condition of a just and previous indemnification.

No. XV.

NINETEEN ARTICLES

OF

THE CONSTITUTION,

Supplementary to the Declaration of the Rights of Man.

OCTOBER 1, 1789.

I. ALL powers proceed essentially from the nation, and can proceed from it alone.

II. The French Government is monarchical: there is in France no authority superior to the law; the King reigns by it alone; and it is only in virtue of the laws that he can require obedience.

III. The National Assembly has acknowledged and declared, as fundamental points of the monarchy, that the person of the King is sacred and inviolable; that the throne is indivisible; that the crown

crown is hereditary in the reigning family, from male to male, in the order of primogeniture, to the perpetual and absolute exclusion of females and their descendants, without intending to prejudge the effect of renunciations.

IV. The National Assembly shall be permanent.

V. The National Assembly shall consist but of one House.

VI. Every Legislature shall be for two years.

VII. The renewal of Members of every Legislature shall be of the whole of them.

VIII. The Legislative Power resides in the National Assembly, who shall exercise it in the following manner :

IX. No act of the Legislative Body can be considered as law, unless made by the Representatives of the Nation, freely and legally chosen, and unless sanctioned by the Monarch.

X. The King may refuse his consent to the acts of the Legislative Body.

XI. In the case of the King refusing his consent, that refusal shall be only *suspensive*.

XII. The suspensive refusal of the King shall cease at the second Legislature, after that which shall have proposed the law.

XIII. The King may invite the National Assembly to take any measure into consideration; but the propounding of laws belongs exclusively to the Representatives of the nation.

XIV. The

XIV. The creation and suppression of offices cannot take place, but in consequence of an act of the Legislative Body, sanctioned by the King.

XV. No contributions in kind or in money can be raised, and no loan either direct or indirect made, otherwise than by a special decree of the Assembly of the Representatives of the nation.

XVI. The supreme executive power resides exclusively in the hands of the King.

XVII. The executive power can make no laws, even provisional, but only proclamations conformable to the laws, to ordain or incite to their observation.

XVIII. The Ministers, and the other agents of the executive power, are responsible for the employment of the funds of their department, as well as for all infractions of the law they may commit, whatever be the orders they may receive; and no order given by the King can be executed, unless signed by his Majesty, and countersigned by a Secretary of State, or by the manager of the department.

XIX. The judicial power cannot in any case be exercised by the King, nor by the Legislative Body; but justice shall be administered, in the name of the King, only by the tribunals established by law, according to the principles of the Constitution, and the forms determined by law.

No. XVI.

*The FIRST ADDRESS of the National Assembly
their Constituents, decreed, SEPT. 28, 1789.*

6th OCTOBER, 1789.

THE Deputies of the National Assembly suspend for some moments their labour, in order to represent to their constituents the necessities of the State, and to invite their patriotic ardour to second measures loudly called for in the name of the country, which is in danger.

We should betray you, were we capable of dissembling the truth. The nation is at this moment on the point of rising to the most illustrious destiny, or of sinking into the gulph of misfortune.

A great revolution, of which, a few months ago, the very project would have appeared to us chimerical, has been effected in the midst of us. Accelerated by circumstances which no human prudence could calculate, this revolution has involved the entire subversion of the ancient system; and without leaving us the time to prop up that part of the fabric which ought still to be preserved, or to replace what ought to be destroyed, it has on a sudden surrounded us with ruins.

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In vain have we endeavoured to sustain Government : a fatal lethargy has seized on each department of the State. The public revenue has disappeared ; credit could not be expected at a time when the fears of men seem to equal their hopes. This relaxation in the spring of social force, has destroyed the energy of all : men and things, resolution, courage, and even virtue, languish. Should you not, by a prompt assistance, restore to the political body motion and life, the most glorious of revolutions would perish almost as soon as it saw the light ; it would return into that chaos from whence so many generous efforts have called it forth into existence ; and those who are determined to preserve, for ever, the invincible love of liberty, would not leave, even to unworthy citizens, the shameful consolation of resuming the fetters of slavery.

Since the moment that your Deputies, forming a just and necessary union, have sacrificed to concord every species of rivalry and opposition of interest, the National Assembly have not ceased to toil for the establishment of laws, which, being the same for all, should form the safeguard of all. The National Assembly have repaired the most important errors ; they have broken the bonds of a multitude of slavish oppressions, which degraded humanity ; they have filled with joy and hope the hearts of the peasants, those creditors of the earth and of nature, so long discouraged and despised ; they have established that precious equality too
much

much unknown to the French, the common right to serve the State, to enjoy its protection, and to merit its favours ; in short, according to your instructions, the National Assembly are busied in erecting gradually, on the immoveable basis of the unalienable Rights of Man, a Constitution mild as Nature herself, durable as Justice, and of which the imperfections, an unavoidable consequence of the inexperience of its authors, will easily be repaired.

We have had to combat with the inveterate prejudices of ages, and great changes are attended by a thousand uncertainties. Our successors will be enlightened by experience ; as for us, we have endeavoured to trace a new route by the light of principles only. They will labour in peace, but we have been tried with dreadful storms. They will know their rights, and the limits of the several powers : we have recovered the first, and fixed the second. They will consolidate our work—they will surpass us ; and that shall be our recompence. Who shall now presume to limit the grandeur of France ? Who would not elevate his hopes ? Who would not rejoice to be the citizen of this empire ?

But, mean while, such is the crisis of our finances, that the State is threatened with dissolution before this glorious order can be established. The cessation of the public revenue has been followed by the disappearance of specie ; a thousand circumstances contribute to carry it out of the kingdom ;

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the sources of credit are dried up ; circulation is at a stand ; and if patriotism does not advance to the succour of Government and of Finance, our army, our fleet, our subsistence, our arts, our commerce, our agriculture, our national debt, and France itself, will decline rapidly to lawless anarchy and disorder—Liberty will only have illumined our atmosphere for a few moments, to retire for ever from our sight—leaving us to the bitter reflection, that we were not worthy to possess her ! To our shame, and to our disgrace in the eyes of the whole world, we can attribute our calamities to ourselves alone. With such fertility of soil, with such productive industry, with a commerce like ours, and with so many sources of prosperity, whence proceeds this embarrassment of our finances ? All our present wants scarcely amount to the fund necessary to support a single campaign : and is not our own freedom more precious than the object of those conflicts of ambition in which our very victories were fatal to the State ?

When the present moment of necessity shall pass away, far from adding to the burthen of the people, we will find it an easy matter to meliorate their lot. Reductions, which will not fall too heavy on opulence and elegance of life—reforms, that will render no man unhappy—easy commutations of taxes, and an equal distribution of the public burthens, will establish, by the equilibrium of income and expence, a permanent order of finance, which, always vigilantly watched, will become

become unalterable and unvaried. And this pleasing prospect is founded on the most exact conclusions, on objects real and well known. Here hope is capable of demonstration, and imagination reduced to the certainty of arithmetic.

But the present necessities of the State! The pal-
fied state of the public force! The hundred and
sixty millions of livres of extraordinary supply re-
quired for this year and the year following!—The
first Minister of Finance has proposed to us, as a
principal and most effectual effort to save the State,
a contribution proportioned to the income of each
citizen.

Pressed by the necessity of providing without de-
lay for the public exigencies, and the impossibility
of examining accurately, in so short a time, the plan
that was proposed to us, we feared to abandon our-
selves to long and doubtful discussions; and observ-
ing in the propositions of the Minister nothing con-
trary to our duties, we have followed the sugges-
tions of confidence, prejudging, that the same senti-
ment would also be adopted by you. The univer-
sal attachment of the nation to the author of this
plan, appeared to us the pledge of its success, and
we have embraced his long experience as a guide
more sure than untried speculation.

The valuation of income is left to the consci-
ence of the citizens; and hence the effect of this
measure will depend entirely on their patriotism,
and hence also we have no doubt of its success.

When a nation emerges from the nothingness of slavery to the creation of freedom, when political prudence concurs with nature to develop the glorious destiny of France, shall vile passions oppose her greatness? Shall egotism arrest her noble flight? Shall the salvation of the State be outweighed by a personal contribution?

No!—An error like this is not in nature; the passions themselves would not become the dupes of such deceitful calculations. If the revolution which has given us a *country*, could leave indifferent some Frenchman, still the tranquillity of the kingdom, the only pledge of his individual safety, would of necessity interest him. No!—It is not in the universal wreck of things, in the degradation of the protecting authority of the State, at a time when a vast multitude of indigent citizens, driven from all the manufactures of industry, shall fatigue the ear of impotent commiseration; when the troops, dissolved, shall roam about in wandering bands, instigated by famine, and armed with instruments of death; when every kind of property shall be insulted, the existence of every individual exposed to hourly danger; when terror shall beset, or grief shall sit at the gate of every family—it is not in the universal wreck of things that those barbarous egotists could hope to enjoy in peace their criminal refusal to the wants of their country!—The only distinction which, in the common misery, their lot would obtain over that of others would be, to be overwhelmed by the just reproach of all, and to feel

feel at the bottom of their heart, the eternal gnawings of a vain remorse.

How many recent proofs have we not seen of that generous public spirit which gives an easy success to enterprizes the most difficult ! With what astonishing rapidity was that national militia formed, those legions of citizens armed, for the defence of the State—the preservation of peace—the support of the law ! A generous emulation glows in every corner of the kingdom. Towns, cities, corporations, provinces, have considered their respective privileges as so many odious distinctions ; they have been eager to strip themselves of those oppressive distinctions, and have enriched the common country with the spoil. It is a well-known fact, that there was scarcely time sufficient to reduce to writing the sacrifices which a pure and patriotic sentiment dictated to every class of citizens, glowing with the generous desire of restoring to the great family of the nation, whatever had enriched a few individuals to the prejudice of the whole.

Above all, since the dangerous crisis of our finances, the patriotic offerings have prodigiously multiplied. From the Throne itself, which a beneficent Prince dignifies still more by his virtues, have proceeded the most illustrious examples. O thou, so deservedly the object of thy people's love ! King, honest man, and good citizen ! With a glance of your eye you regarded the magnificence that surrounded you—you expressed your pleasure—and metals of mere ostentation became a

national resource. You demolished those objects of luxury, and your dignity received new lustre from it; while the affection of the French for your sacred person murmured for your privations, their sensibility applauded the magnanimity of your example, and their generosity will return your benefits, as you wish they should be returned, in imitating your virtues, and in conferring upon you the joyful consciousness of having guided a whole people in the career of public good.

What riches, long the prey of a vain ostentatious luxury, shall now become the active means of prosperity! How much may the wise œconomy of individuals concur with great and enlightened views for the restoration of the kingdom! How much treasure, accumulated by the piety of our fathers for the service of the altar, shall now emerge from its obscure repository, and that too without changing its *religious* destination! Behold, says a holy religion, behold the reserves which I collected, and laid up in terms of prosperity; I return them, in this season of calamity, to the common mass. For me they were not accumulated; a borrowed lustre can add nothing to my grandeur:—it was for you, for the State, that I levied this honourable tribute on the virtues of your fathers.

Who could refuse to follow examples so moving? What a precious moment is this to display our resources, and to call forth assistance from every corner of the empire! Let us prevent the
reproach

reproach which a violation of the most sacred engagements would inflict on our rising liberty. Let us prevent those terrible shocks, which, in overthrowing the most solid establishments, would shake far and near the fortunes of men, and fill the whole extent of France with the melancholy ruins of an ignominious shipwreck. How much are those persons deceived, who, at a certain distance from the capital, consider not the public faith as intimately connected with national prosperity, and as the condition of the contract which binds us all! Do those, then, who dare to pronounce the infamous word *Bankruptcy*—do they wish to reduce us to a herd of ferocious animals, instead of a society of just and free men? Where is the Frenchman that could have the confidence to look in the face of one of his miserable fellow-citizens, when he might say to himself, *I have contributed, as far as in me lay, to poison the existence of many millions of my fellow-creatures?* With what face could we then lay claim to that high point of honour, which even our enemies allow us, if strangers could brand us with the name of the *bankrupt nation*, and accuse us of having recovered our freedom, and our force, only to be guilty of crimes which despotism itself had regarded with horror?

It would be in vain for us to protest, that we had not premeditated this execrable deed. Ah! the cries of the victims, with whom we should have filled every corner of Europe, would have loudly protested against us. Let us act with vi-

gour—let prompt, efficacious and certain measures dissipate that cloud which has too long hung over our heads—which, from one extremity of Europe to the other, has filled with terror the creditors of France, and which may become more fatal to the national resources than the most dreadful pestilence that ever desolated our fields.

Thus you will inspire us with courage to proceed in the functions which you have confided to our hands: for, how should we labour with security, in forming the constitution of a State, of which the very existence is in danger? We have sworn that we would save our common country. Judge then of our anguish, when we fear to see it perish in our hands! We demand a momentary sacrifice, offered truly to the public good, and not to the predatory spirit of a criminal cupidity. And this slight expiation for the errors and misconduct of ages, consumed in political slavery—is it an effort beyond the reach of our courage? Let us think of the price which nations, that have shewn themselves worthy to be free, have paid for liberty—to obtain that glorious privilege, rivers of blood have flowed; a long train of calamities, and terrible civil wars, have every where marked the birth of Freedom—Of us she demands only a sacrifice of silver, and this vulgar offering is by no means a gift that will impoverish the donors: it will return to enrich us seven-fold; it will descend, like the rain of heaven, to augment the fertility of our fields, and
to

to fill our cities with prosperity, wealth, and glory.

No. XVII.

DECREE *on the* ECCLESIASTICAL
POSSESSIONS.

The 2d NOVEMBER, 1789.

THE NATIONAL ASSEMBLY decrees,

I. That all ecclesiastical effects are at the disposition of the nation, on condition of providing, in a decent manner, for the expence of public worship, the maintenance of its ministers, and the relief of the poor, under the guidance, and according to the instructions of the provinces.

II. That, in the regulations that are made with respect to the maintenance of ministers of religion, an annual income, not less than twelve hundred livres, be appropriated to each curate, without including his house, and dependent garden-ground.

No. XVIII.

No. XVIII.

DECREE *to exclude the Members of the Assembly
from all Offices of Administration.*

7th NOVEMBER, 1789.

THE NATIONAL ASSEMBLY decrees, That no Member of the National Assembly shall accept a place in the Ministry during the continuance of the present Session.

No. XIX.

Articles of the Constitution,

ON THE
PRESENTATION *and* SANCTION of LAWS,
AND THE
FORM *of their* PROMULGATION.

The 9th of NOVEMBER, 1789.

THE NATIONAL ASSEMBLY decree as follow :
The Legislative Body shall present their decrees to the King, either separately as they shall pass, or together at the end of each Session.

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The royal consent shall be expressed on each decree by this formula, signed by the King—*The King consents, and will see it executed.*

The suspensive refusal shall be expressed in this manner—*The King will examine.*

The title of *King of France* shall be changed into that of KING OF THE FRENCH; and to that title nothing shall be added.

The royal signature, counter - sign, and seal, shall be uniform throughout the kingdom.

The promulgation of laws shall be executed in this manner: “ Louis, by the Grace of God, and
“ the Constitutional Law of the kingdom, King
“ of the French, to all, present and to come,
“ health! The National Assembly have decreed,
“ and we will and order as follows :”

[A literal copy of the Decree shall be inserted, without addition, or observation.]

“ We command and order all Tribunals, Ad-
“ ministrative Bodies, and Municipalities, to cause
“ these presents to be transcribed, read, published,
“ and executed, in their respective provinces and
“ departments as the law of the kingdom. In
“ confirmation of which we have signed, and
“ caused to be countersigned, these presents, to
“ which we have affixed the seal of the State, on
“ this day,” &c.

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The law having been sanctioned, the Keeper of the Seals shall send to the National Assembly a copy signed and sealed, to be deposited in their Archives.

The decrees sanctioned by the King shall bear the name, and the title of Laws ;—they shall be sealed and expedited as soon as the consent of the King shall be affixed to the decree.

They shall be addressed to all the Tribunals, Administrative Corps, and Municipalities.

They shall be transcribed, read, published, and affixed without delay, as they arrive at the several Tribunals, Administrative Bodies, and Municipalities ; and they shall be put in execution in the several departments, from the very day on which those formalities shall have been fulfilled.

In the Formula of Laws, the Decrees of the National Assembly shall be copied without a title ; they shall be sent, in the name of the Executive Power, to all the Tribunals and Municipalities, by whatever means the Government shall think proper to employ. In fine, the Executive Power shall take a certificate of the dispatch of the laws, and shall prove that dispatch at the requisition of the Assembly.

No. XX.

DECREE ON THE ADDRESS OF THE REVOLUTION CLUB OF LONDON,

25th OCTOBER, 1789,

On reading the Address of Congratulation sent to the Assembly by the English Society, called the
REVOLUTION SOCIETY.

THE National Assembly have decreed, with acclamation, That the President shall be charged to write to Lord Stanhope, President of the Society, a letter, testifying the profound and warm sentiments of gratitude which the National Assembly experienced on the recital of the declaration made in the name of the Society of the Revolution of England; a declaration which breathes those sentiments of humanity, and of universal benevolence, which ought to unite, in every quarter of the world, the true friends of the liberty and of the happiness of nations.

No. XXI.

No. XXI.

DECREE *concerning the personal Expences of the King, and those of his Family and Establishment.*

The 4th JANUARY, 1790.

“ THE National Assembly decrees, That a deputation shall be sent to the King, to enquire what sum his Majesty wishes the Nation to vote for his personal expence, that of his august family, and that of his establishment; and that the President, at the head of this deputation, shall be charged to intreat his Majesty to consult less his inclination for œconomy, than the dignity of the nation, which requires the throne of a great Monarch to be surrounded with suitable pomp *.”

His M A J E S T Y replied,

“ I AM sensibly affected by the deliberation of
“ the Assembly, and the sentiments you commu-
“ nicate to me in their name. I will not abuse

* “ Que le Trône d'un Grand Monarque soit environné d'un grand éclat.”

“ their

“ their confidence ; I will wait, before explaining
 “ myself on this matter, until, by the labour of
 “ the Assembly, there are funds provided for the
 “ payment of the interests due to the creditors of
 “ the State, and for the expences necessary to
 “ public order, and the defence of the kingdom.
 “ What regards myself personally, is at the pre-
 “ sent time the least of my disquiet.”

See the Conclusion, No. 28. and 29.

No. XXII.

*The SPEECH of the KING to the NATIONAL
 ASSEMBLY, in the Morning of the 4th of
 February, 1790.*

GENTLEMEN, the importance of the cir-
 cumstances in which France is placed, has brought
 me here amongst you. The progressive relaxation
 of all the restraints of order and subordination—
 the suspended or inactive state of justice—the dis-
 contents which spring from the sufferings of indi-
 viduals—the unhappy feuds that are the unavoid-
 able consequence of long dissensions—the critical
 situation of the finances, and the uncertainties that
 prevail respecting the public fortune *—finally,

* “ Les Incertitudes sur la fortune publique.”

the general agitation of men's minds, all seem to conspire in raising the anxiety of every true friend to the prosperity and happiness of the kingdom.

A great object is before you ; but it is necessary that you should obtain it without an augmentation of our troubles, and without new convulsions. It was, I must say, in a gentler and more tranquil manner, that I had formed hopes of conducting you to it, when I conceived the design of assembling you, and uniting, for the public welfare, the knowledge and the wills of the Representatives of the Nation ; but my happiness and glory are still linked equally close to the success of your labours. These I have guarded, with continual vigilance, from the fatal effects of those unhappy circumstances in which you were placed. The horrors of famine, which threatened France last year, were repelled by multiplied cares, and immense supplies. The disorders which must have been produced by the ancient situation of the finances, the loss of credit, the excessive scarcity of specie, and the gradual decay of the revenues, have, at least in their great and excessive effects, been hitherto counteracted. I have mitigated every where, but particularly in the capital, the dangerous consequences of a failure of employment ; and notwithstanding the weakened state of all the means of authority, I have preserved the kingdom, not indeed in that tranquillity I would have desired, but in a situation sufficiently composed to receive the benefit of a wise and well-regulated liberty. Lastly, in spite of
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our internal situation being so generally known, and notwithstanding the political storms which agitate other Nations, I have preserved peace without, and maintained, with all the Powers of Europe, such connections of amity and regard, as promise to render it lasting.

After having thus preserved you from those violent shocks, which might have overturned so easily all your labours and toil, I thought the moment arrived, when it concerned the interest of the State, that I should connect myself in a manner still more express and manifest, with the execution and success of your measures, for the advantage of France. Nor could I find a more suitable opportunity than the present, when you bring, for my acceptance, Decrees made to establish in the Kingdom a new organization, which must be attended with so important and auspicious an influence on the happiness of my subjects, and the prosperity of this Empire.

You know, Gentlemen, that more than ten years ago, and at a time before the wish of the Nation was made known as to provincial Assemblies, I had begun to substitute this mode of Administration, in the room of that which long and ancient custom had rendered sacred. And experience having convinced me, that I was not deceived in the opinion I had formed as to the utility of such establishments, I have endeavoured to communicate the same benefit to all the provinces of my Kingdom; and, in order to ensure to these new

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Administrations the confidence of the Publick, it was my desire, that the members of which they were to be composed should be freely nominated by all the Citizens. These views of mine you have improved upon in several ways, and the most essential undoubtedly is, that equal and wisely planned subdivision, which, by weakening the ancient separations between province and province, and by establishing a general and complete system of equilibrium, more closely conjoins in one spirit and one interest all parts of the Kingdom. This grand idea, this beneficent design is entirely yours; nothing less could have sufficed for it than an unity of will on the part of the Representatives of the Nation; it was their justly acquired ascendancy over the general opinion, that was alone adequate towards undertaking with confidence so important a change, and that could overcome, in the name of reason, the resistance of habit and private interest.

I will favour, I will promote by all the means in my power, the success of this vast organization, on which, to my view, depends the salvation of France; and I think it necessary to say, that I am too much occupied with the internal situation of the Kingdom, too sensible of the dangers of every kind with which we are surrounded, not to feel very strongly, that in the present situation of men's minds, and considering the actual situation of public affairs, either a new order of things must be established with quietness and tranquillity, or the Kingdom

Kingdom will be exposed to all the calamities of anarchy.

Let those who are true Citizens reflect upon this, as I have done, fixing their attention simply upon the good of the State, and they will perceive that, even with different opinions, the great interest ought to unite them all at this moment. Time will reform what may be left defective in the collection of law to be made by this Assembly; but every enterprize that should have a tendency to shake the principles of the Constitution, every scheme designed to overturn them, or to weaken their salutary influence, would only serve to introduce among us the terrible evils of discord; and even supposing the success of such an attempt against my people and me, the result would deprive us, without furnishing a compensation, of the various advantages of which a new order of things holds out the prospect.

Let us then in good earnest give ourselves up to those hopes which we may conceive, and let us only think of realizing them by unanimity. Let it be known every where, that the Monarch and the Representatives of the Nation are united by one and the same interest, and one and the same wish, in order that this opinion, this firm belief, may disseminate through the provinces a spirit of peace and of good-will; and that all honest Citizens, and all such as can essentially serve the State by their zeal and by their knowledge, may be anxious to interest themselves in the different sub-

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divisions

divisions of the General Administration, whose union and collected efforts must be efficacious to the re-establishment of order, and to the prosperity of the Kingdom.

We ought not to conceal it, much is to be done before we can attain this end. A firm purpose *, a common and general effort, are absolutely necessary to the obtaining real success. Continue then your labours, without any view but that of the public good; let your first attention be always fixed on the fate of the people, and on the public liberty; but be anxious also to soften and to calm all distrust, and put an end as soon as possible to the different troubles which estrange from France so great a number of Citizens, and produce an effect so opposite to those laws of safety and liberty which you wish to establish. Prosperity will only return with general content. We every where perceive hopes; let us be impatient also to see happiness realized every where.

The time will come, I cherish the belief, when all Frenchmen, without distinction, will recognize the advantage of the entire suppression of the differences of order and rank, when they are to labour in common for the public good, for that prosperity of our country which interests equally all citizens; and every one ought to see without pain that, in order to be called henceforth to serve the State in any manner, it is sufficient to have been distinguished by talents or virtues.

* “ Une volonté suivie.”

In the mean time, however, whatever can recall to the Nation the ancient and continued services of an honoured race, is a distinction which nothing can destroy ; and as it blends itself with the duties of gratitude, those, who in all classes of society aspire to serve their country with effect, and those who have already had the happiness of succeeding therein, are interested in respecting this transmission of titles, or of remembrance, the most glorious inheritance which can be transmitted to our children. Nor can the respect due to the ministers of Religion be effaced ; and when the consideration in which they are held shall be chiefly attached to those sacred truths, which are the safeguard of order and of morals, all honest and enlightened Citizens will have an equal interest in maintaining and defending it.

Without doubt, those who have given up their pecuniary privileges, those who will no longer form as heretofore a political order in the State, find themselves subjected to sacrifices, with the importance of which I am well acquainted ; but I am persuaded they will have generosity enough to seek their compensation in all those public advantages which we must hope for from the institution of National Assemblies.

I also should have losses to reckon up, if, amidst the most important interests of the State, I could stop to make personal calculations ; but I find a sufficient indemnification, a compensation full and entire, in the encrease of the happiness of the

Nation : this is the undisguised sentiment of my heart *.

I will defend then, I will maintain Constitutional Liberty, the principles whereof have been sanctioned by the general will, in concord with my own. I will do more, in concert with the Queen, who participates in all my sentiments, I will early prepare the mind and heart of my son for the new order of things, which circumstances have brought about. I will habituate him from his early years to be happy in the happiness of the French, and to be always sensible, in spite of the language of Flattery, that a wise Constitution will preserve him from the dangers of inexperience, and that a just liberty adds a new value to those sentiments of love and fidelity, of which the Nation, for so many ages past, has given to its Kings such interesting proofs.

I cannot then have a doubt, but that in finishing your work, you will assuredly exert yourselves with wisdom and candour to strengthen the executive power ; for, unless it be strong, there can exist no lasting order within the Kingdom, nor any respectability without. You can have no reasonable grounds of suspicion, hence it is your duty, as Citizens, and as faithful Representatives of the Nation, to give to the Common Weal and to Public Liberty that stability, which can only be derived from an active and tutelar authority. It

* “ C'est du fond de mon cœur que j'exprime ici ce sentiment.”

will be certainly present to your minds that, without such an authority, all parts of your system of Government would be deprived of a bond of union, and of all correspondence; and therefore, in your attention to that Liberty, which you as well as I love, you will not fail to consider, that disorder in the Administration, by occasioning a confusion of powers, often degenerates, by its blind violences, into the most dangerous and alarming species of tyranny.

Thus, Gentlemen, not for my own sake, who reckon as nothing what personally concerns me, in comparison of the laws and institutions which are to regulate the destiny of the Empire, but for the happiness of the Country, for its prosperity, for its power, I invite you to free yourselves of all the impressions of the moment, that might take off your minds from considering, in the whole of its connections, what is requisite for a kingdom such as France, with regard to its vast extent, its immense population, and those foreign connections that are the natural result of its situation.

Nor will you neglect to fix your attention on what is also an object for Legislators, the manners, character, and habits of a Nation, too celebrated in Europe by the nature of its taste and its genius*, to be able to appear indifferent to the preservation or debasement of those sentiments of gentleness, confidence, and goodness, which have gained it so much renown.

* “ Par la nature de son esprit & de son genie.”

Furnish also an example of that spirit of justice which operates as the safeguard of property, of that right which obtains respect among all Nations, which is not the work of chance, which derives no privileges from opinion, but which is intimately linked with the most essential ties of public order, and the first laws of social harmony.

By what fatality is it, that, at the moment when tranquillity began to re-appear, new troubles have sprung up in the provinces? what fatality leads on to these new excesses? Join with me in putting a stop to them, and let us prevent by every effort, any criminal violence from casting a stain on those days in which the happiness of the Nation is preparing. You, who in so many ways can influence the public confidence, do you enlighten, as to their true interests, the People who are led astray; that good People so dear to me, and of whose love I am assured when it is wished to comfort me in my troubles. Ah! did they know how miserable it makes me to hear of an unjust attempt against the fortunes, or of an act of violence against the persons, of any, they would, perhaps, spare me these bitter sensations.

I cannot speak of the great interests of the State without urging you to direct your attention, in the most pressing and decisive manner, to whatever concerns the restoration of order in the finances, and the quiet of that innumerable multitude of citizens, who are connected with the public fortune. It is time to calm all uneasiness; it is time
to

to give the Kingdom that strength of credit which it has a right to assume. You cannot undertake all at once; and, therefore, I invite you to reserve for other opportunities a part of those advantages, of which the combination of your talents holds forth the prospect. But when you have added to what you have already accomplished, a wise and reasonable plan for the administration of justice; when you shall have confirmed the basis of a perfect equilibrium between the revenues and the expences of the State; when, in fine, you shall have finished the work of the Constitution; you will have acquired strong claims upon public gratitude; and, in the succession of National Assemblies, the continuance whereof is henceforth founded upon the very Constitution, there will only remain to add, from year to year, new means of prosperity to those you have already prepared. May this day, in which your Monarch comes to unite himself with you, in the most frank and intimate manner, be a memorable epoch in the history of this Empire! It will be so, I hope, if my ardent wishes, my pressing exhortations, can operate as a signal of peace and harmony amongst you. Let those, who would still estrange themselves from a spirit of concord, now become so indispensable, make to me the sacrifice of all those remembrances which afflict them, and I will recompence them by my gratitude and affection. Let us all, from this day forward, I set you the example, profess but one opinion, one interest, one will, attachment to the
new

new Constitution, and an ardent desire for the peace, happiness, and prosperity of France !

By a Decree, of the 23d of February, the Assembly ordained, that this Speech of the King should be sent to all the Municipalities, and read in every Parish after the Homilies.

No. XXIII.

The SECOND ADDRESS *of the* National
Assembly *to the* People of France.

FEBRUARY 11, 1790.

The National Assembly to the People of France.

THE National Assembly, while advancing in their course of labours for the public good, receive from all parts the felicitations of provinces, cities, and communities, testimonies of the public joy, and acclamations of public gratitude: but they hear also the murmurs and clamours of those who are hurt by the destruction of so many abuses, of so many private interests and prejudices. Intent on the happiness of all, they are distressed with the sufferings of individuals. They make all possible allowance for prejudices, for the heat and animosity of party, and know how to pardon even injustice; but they hold it to be an essential duty to guard you against the influence of calumniators, and to dissipate those vain terrors with which some may attempt to alarm you.

What, indeed, has been left untried by our enemies to mislead you, and to shake your confidence in us? They feign ignorance of any good effected

effected by the National Assembly.—We will recall it to your minds. They have raised objections against what we have already done. We will answer them.

They have diffeminated doubts and inquietude concerning what is intended to be done. We will inform you.

“What good has the Assembly done?”

It has traced, with a firm and steady hand, and in the midst of storms, the principles of the Constitution, which secures your Liberty for ever.

The *Rights of Man*, unknown and insulted for ages, have been re-established for all mankind, in that *Declaration* which will remain for ever as the signal of resistance to oppressors, and a law to Legislators themselves.

The Nation had lost the right of *decreeing its own laws and taxes*.—This right has been restored to it; and at the same time the true principles of the Monarchy, the inviolability of the August Chief of the Nation, and the Right of Inheritance to the Throne, in a Family which is so dear to all Frenchmen, have been fixed on a sacred foundation.

You have hitherto had only *States General*; you have now a *National Assembly*, and this Assembly can never be wrested from you.

Orders, necessarily divided in their interests, and slaves to ancient pretensions, dictated the decrees in those Assemblies of the States, and were enabled to prevent the National Will from taking

place. These orders exist no longer : all titles of distinction have been sunk in the honourable one of Citizen.

All being thus invested with the rights of Citizens, it was necessary that your defenders should be Citizens ; and at the first signal a *National Guard* arose, which being assembled by patriotism, and commanded by honour, maintains order, and watches with an indefatigable zeal, over the safety of every individual, for the interest of all.

Numberless particular *privileges*, those irreconcilable enemies to the public good, composed the whole of our National Law : these are destroyed ; and, at the voice of your Assembly, those provinces that were most tenacious of their own privileges have applauded their downfall, and have felt themselves enriched by their loss.

A vexatious *feudal system*, powerful even in its last remains, covered all France : it has disappeared, never to return.

You were subject, in the *provinces*, to a troublesome course of *administration* : you are now freed from it.

Arbitrary Orders infringed upon the liberty of the Citizens : they are annihilated.

You wished for a complete *organization of municipalities* ; it has just now been given you ; and the creation of all these bodies, formed by your own suffrages, presents, at this moment, the most interesting spectacle throughout all France.

At

At the same time, the National Assembly has consummated the work of the *new division of the kingdom*, which alone could efface the last vestiges of ancient prejudices, substitute the true love of our Country in the room of the exclusive attachment to a province, lay the basis of a good representation, and fix at, the same time, the rights of each individual person, and each individual canton, in proportion to their consequence in the public weal; a difficult problem in politics, and unsolved till the present times.

You have for a long time desired, that the *sale of offices in the Magistracy* should be abolished: this has been decreed.

You felt the necessity of correcting the principal vices of the *criminal code*: a provisional reform has been made, till a more perfect and general one can be accomplished.—From all parts of the Kingdom have complaints, demands, remonstrances, been addressed to us: we have satisfied them to the utmost of our power. The multiplicity of the public engagements alarmed men's minds: we have rendered those engagements sacred, upon the principles of that good faith which is due from the Nation to individuals. You stood in fear of the power of *Ministers*: we have, for your security, imposed on them the law of responsibility.

The *Gabelle* was a tax odious to you: we have lightened it for the present, and promise you its entire abolition; for, in our opinion, it is not suf-

ficient that imposts are necessary for the public wants; they ought also to be justified by their equality, their wisdom, and their agreeableness to the Publick.

Immoderate *pensions*, frequently lavished without the knowledge of your King, have consumed the fruit of your labours: we have cast on them a severe and searching eye, and are about to reduce them within the limits of strict justice.

In fine, the *finances* demanded immense reforms: seconded by the Minister who has obtained your confidence, we have made them our unremitted study, and you will soon reap the fruit of our labours.

Such, Frenchmen, is our work, or rather *yours*; for we are but your organs; and it is you who have instructed us, who have encouraged and supported us in our labours. What an æra is this to which we are at length arrived! How honourable an inheritance have you to transmit to your posterity! Elevated to the rank of Citizens, admissible to all employs, enlightened censors of public affairs, when not actually engaged in the conduct of them; certain that every thing is done by you and for you, equals in the eye of the law, free to act, to speak, to write; accountable in your actions to no individual whatever, but to the Publick only; what condition can be conceived happier, or more honourable than yours?

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Is there a single Citizen, worthy of that name, who can look back with regret on the past state of things, or who would gather up the ruins with which we are surrounded, in order to re-construct the ancient edifice ?

And yet, what has not been said, what has not been done by our enemies, to weaken in you the impression which such blessings ought naturally to produce ?

“ We have destroyed every thing” say they. True, because it was necessary that every thing should be re-built. And what was there to be so much regretted ? Would we truly know, let those men be asked the question, who enjoyed no exclusive benefits in the objects reformed or destroyed. Interrogate even the conscience of those who *did* profit by them, setting aside only such mean souls, who, to ennoble their own private regrets, now hold up, as the subjects of their commiseration, the condition of those, to whom in former times they were so indifferent. We shall then see, whether the reform of each of these objects does not meet with the approbation of all, whose opinion is of any value.

“ We have acted with too much precipitation,” according to some ; and a multitude of others reproach us with too much slowness — Too much precipitation ! Can any one be ignorant that it is only by attacking and overthrowing *all* abuses, at the same time, that we can hope to be delivered

vered from them without the danger of a return; that it is then, and then only, that every one feels himself interested in the establishment of order; that slow and partial attempts at reform always end in reforming nothing; in fine, that the abuses retained serve as supports, and soon become the actual restorers of those thought to have been destroyed.

“ Our Assemblies are tumultuous.” And what matters it, if the decrees proceeding from them are wise?—We are, to confess the truth, far from wishing to hold up the details of all our debates as a subject for admiration. They have more than once afflicted ourselves; but we have, at the same time, felt that it would be unjust in any to turn them to our disadvantage; and, after all this, impetuosity was the almost inevitable effect of the first general conflict which perhaps ever took place between *all* principles and *all* errors.

They accuse us of having aspired at a chimerical perfection. Strange reproach! which ill disguises the secret wish for the perpetuity of abuses.—The National Assembly has not suffered its progress to be impeded by pusillanimous, or servilely interested motives: it has had the courage, or rather the good sense, to believe that useful ideas, and truths most necessary to the happiness of mankind, were not exclusively destined to adorn the pages of books; and that the Supreme Being, when he gave to man *perfectibility*, an endowment peculiar to his nature, did not intend to bar his

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application

application of it to the regulation of Society, in which his first wants, his most universal interests, are comprehended.

“It is impossible,” some have said, “to regenerate an old and corrupted Nation.” Let us teach them, that none are corrupted but those who *wish* the perpetuity of abuses which tend to corrupt; and that a Nation renews her youth the very day in which she resolves to revive to Liberty.

Behold the new generation! How their hearts beat with joy and hope! How pure, how noble and patriotic, are their sentiments! With what enthusiasm do they press for the honour of being admitted to take the Civic Oath!——But why should we answer so wretched a reproach? Shall the National Assembly be reduced to excuse itself *for having not despaired of the People of France.*

“Nothing has yet been done for the People,” some have dared to say; yet it is the People’s cause which triumphs in every change. Nothing done for the People! Does not every abuse which has been destroyed prepare, does it not secure, ease and relief to the People! Was there a single abuse that did not press upon them?

“But they complained not.” It was, because the excess of their ills stifled their complaints.

“But their condition is now wretched.” Say rather, it is still wretched. But it shall not be so long; WE SWEAR IT SHALL NOT.

“We have destroyed the executive power.” No; say rather the power of the Minister; and it
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was that which destroyed, which often degraded, the executive power. The executive power is enlightened by us ; we have pointed out its rights : above all, we have ennobled it by tracing them to their real source, the People.

“ It is now without force”—against the Constitution and the Law. This is true ; but in their favour it will be more powerful than ever.

“ The People are armed.” Yes, for their defence ; this was necessary. “ But from this, evils have in many places resulted.” Can these evils be imputed to the National Assembly ? Can it be reproached for disasters which it laments, which it would have prevented by all the force of its decrees, and which will soon cease by the union of the two powers, from henceforward indissoluble, and by the irresistible action of the united strength of the Nation ?

“ We have exceeded our powers.” The answer to this is simple. We were incontestably sent to make a Constitution : this was the desire, this was the *want*, of all France.—Now, was it possible to create this Constitution, to form a whole, even an imperfect whole, by constitutional decrees, without the plenitude of powers which we have exercised ?—But let us add : without the National Assembly, France had been ruined ; without the principle which submits every thing to a plurality of free suffrages, and which has governed all our decrees, it is impossible to conceive a National Assembly ; it is impossible to conceive,

we will not say a Constitution, but even the hope of irrevocably destroying the smallest abuse. This principle is an eternal truth; and it has been acknowledged throughout all France; it has been expressed in a thousand different ways in the numerous addresses of adhesion, which ran counter to that crowd of libels in which we are reproached with having exceeded our powers. Those addresses, those avowals of homage, those patriotic oaths; what a confirmation are they of the powers of which our enemies would contest with us!

Such, Frenchmen, are the reproaches cast on us in those numerous and criminal publications, which affect the tone of patriotic affliction. Ah! in vain do they flatter themselves with the hope of discouraging us: our resolution is only the more confirmed, and you will soon experience its effects.

The Assembly is on the point of giving you a military establishment, which, by composing the army of *Soldier Citizens*, will unite valour in defence of our Country, with the civic virtues, which protect without alarming it.

In a short time the Assembly will present you with a *system of taxation*, which will be adapted to ease and encourage agriculture and industry, and in which the liberty of commerce will be respected; a system which, being simple, clear, and easily conceived by all who pay, will define with precision the part they owe, facilitate the

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the necessary knowledge of the employment of the public revenue, and lay open to the inspection of all the people of France, the true state of the finances, even up to the present obscure labyrinth, where the eye can no longer trace the treasures of the State.

In a short time, a *Clergy*, Citizens also, equally distant from the extreme of poverty or of riches, and consequently a model for both rich and poor, pardoning the injurious expressions of a temporary delirium, will inspire a true, pure, and universal confidence, which neither the outrages proceeding from envy, nor that sort of pity which humiliates, will be able to shake: they will cause Religion to be still more cherished; they will increase its influence, by cultivating a closer and more affectionate connection between the people and their pastors; this sacred body will no longer exhibit the spectacle, which the patriotism of some of its own members has more than once held up to public censure in this Assembly, of *opulent idleness*, and *unrecompensed activity*.

In a short time a *system of criminal and penal laws*, dictated by reason, justice, and humanity, will shew the respect due to human nature, even in the person of those who are the victims of the Law—that respect, without which we have no right to pretend to morality.

A *code of civil laws*, confided to judges chosen by yourselves, and dispensing justice gratuitously, will banish all those obscure, complicated,

contradictory laws, whose incoherence and multiplicity seem to give room, even in an upright Judge, to dignify with the title of Justice, what his own inclination, his error, or sometimes, perhaps, his ignorance may dictate. But till this moment arrives, it is your duty to obey the laws in being; for you well know, that it is the distinguishing mark of a good Citizen, religiously to obey every law not yet repealed.

Finally, we shall terminate our labours by a *code of instruction*, or of *national education*, which will place the Constitution under the safeguard of the rising generations; by causing the civic instruction to pass through all degrees of the representation, we shall transmit through all the classes of society the knowledge necessary to the welfare of each, as well as to that of the Nation at large.

Behold, People of France, the prospect of happiness which lies before you!—Some ground yet remains to be gained; and there the detractors of the Revolution lie in wait for you. Guard against that impetuous vivacity so natural to you: above all things, dread the commission of violences; for any kind of disorder may prove fatal to Liberty. This Liberty is dear to you; you are in possession of it; shew yourselves capable of preserving it; be faithful to the spirit, and even to the letter of the decrees of your Representatives, accepted or sanctioned by
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the King; distinguish between the feudal rights abolished freely and without redemption, and those redeemable and which are still in force. Let the first be no longer exacted, nor the second refused. Bear in mind the three sacred words which guard these decrees, the NATION, the LAW, the KING. The NATION; that is, *yourselves*. The LAW; that is also *you*; it is your will. The KING; that is, *the guardian of the Law*.

Whatever false reports may be industriously propagated, reckon always upon this union. It was the King they deceived formerly; now it is you; and the sensibility of the King is afflicted by their success: he wishes to preserve his people from the arts of those flatterers, whom he has driven from his throne, and from whom he will defend the cradle of his son; for he has declared in the midst of your Representatives, that he will make the Heir of the Crown the guardian of the Constitution.

Hearken not to those who speak of two parties; there is but *one*; we have all sworn it, and it is that of *Liberty*. Her victory is secure, attested by new conquests every day: let obscure detractors pour out their injurious calumnies against us; reflect only, that if they praised us, France would be undone. Be on your guard how you awaken their hopes, by disorders and trespasses against the Law. See how they triumph at a few delays in the collection of the imposts. Ah! furnish not food for this cruel joy! Think that this debt—

No, it is no longer a debt; it is a sacred tribute, and it is your Country that now receives it for you, and for your children: she will no longer suffer it to be prodigally consumed on depredators, who would, without remorse, see the source of the public treasure dried up, now that its stream is turned aside from them: they aim at mischief, which the goodness and magnanimity of the King have prevented and rendered impossible.

Frenchmen, second your King; by a sacred and unshaken respect for the Law, defend his happiness, his virtues, his real glory, against the designs of his and your enemies; shew that he never had any enemies but those of Liberty; in the maintenance of her, and the support of him, shew that your constancy equals your courage; that in the cause of Liberty, of which he is the guardian, you can never be weary, you will be indefatigable. Your lassitude was the last hope of the enemies of the Revolution: they now lose that; pardon them their groans, and without hating them, deplore these remains of weakness, these infirmities of humanity; seek, we will even say, excuses for them. Observe the concurrence of causes which would naturally prolong, nourish, and almost eternise their illusion. Time is necessary to chase from their memory the phantoms of a long dream, the dreams of a long life. Who is able to triumph in a moment over fixed habits

habits of the mind, over opinions inculcated in infancy, cherished by the exterior forms of society, favoured by the public slavery, which they imagined to be eternal, dear to a species of pride, imposed on them as a duty; habits in fine, which flattered personal interest in a thousand different ways? To lose at once their illusions, their hopes, their most favourite ideas, and a part of their fortune; to expect they should suffer this without regret, without efforts, without that resistance which is at the beginning natural, and which afterwards a false point of honour imposes as a duty, is to expect too much from humanity!—Alas! if among this class of men, lately so favoured, some are found unable to bear so many losses at once, be generous; remember, that in this class have been found also men who have dared to raise themselves to the rank of Citizens, intrepid defenders of our common rights; and, in the bosom even of their families, opposing the noble enthusiasm of Liberty to the tenderest sentiments of Nature.

Lament, Frenchmen, the blind victims of so many deplorable prejudices! but living under the empire of the Laws, let not the word *Vengeance* be any more pronounced. Courage, perseverance, generosity, these, the virtues of free men, we expect of you, and demand it in the name of that sacred Liberty, the only conquest worthy of man, worthy of you; by the efforts, by the sacrifices which you have made for her, by the virtues

virtues mingled with the misfortunes inseparable
 from a great Revolution, we call upon you not to
 retard, not to dishonour the fairest work that the
 annals of the world have transmitted to memory.
 —What have you to fear?—Nothing; no, no-
 thing, but a fatal impatience. Yet a few mo-
 ments——It is for Liberty! So many ages
 that you have given to despotism! Friends,
 Citizens—a *generous*, in lieu of a *servile* patience!
 —*this* is what we ask of you. We ask it in the
 name of your Country; you *have* one now: in
 the name of your King; you have a King now;
 he is devoted to you; no longer the King of *a*
few thousands of men, but the King of the *French*
 ——*of all Frenchmen!* How must he now
 despise despotism! How must he now *hate* it!—
 KING OF A FREE PEOPLE!—How must he now
 see and acknowledge the error of those delusive
 visions, cherished by a *Court*, which called itself
his People: delusions which were spread around
 his cradle, which are enclosed, as with design, in
 the circle of royal education, and with which men
 have, in all times, sought to compose the infant
 understanding of Kings in order to draw from the
 errors of their judgement the patrimony of Courts.
 Your King is now *your's*. Ah! how dear is he
 to us, since his People are become his Court!
 Will you refuse him the tranquillity, the happi-
 ness he so much deserves?—May he from hence-
 forward hear no more of those violent scenes
 which have so afflicted his heart: may he, on the
 contrary,

contrary, hear of order being re-established, of property being every where respected; that you receive, and place under the ægis of the Law, the innocent and the culpable.——The culpable? None are culpable, but those whom the laws have pronounced to be so.—Or rather, may he hear, may your virtuous Monarch hear of some of those traits of generosity, those noble examples, which have already illustrated the birth of French Liberty.——Astonish him with your virtues, in order that he may the sooner reap the fruit of his own: hasten, for *his* sake, the moment of public tranquillity, and the spectacle of your own felicity.

As for us, prosecuting our laborious task, devoted, consecrated, to the grand business of the Constitution, your work, as well as ours, we will terminate it; and, aided by all the lights of France, we shall conquer every obstacle. Satisfied in our conscience, convinced, and already happy in your approaching felicity, we will place in your hands this sacred deposit of the Constitution under the guard of new virtues, the seeds of which, contained in your minds, will begin to bloom in the first days of Liberty.

No. XXIV.

Decree relative to the Suppression of MONASTIC Vows, and the State of the Religious of both Sexes, the 13th February, 1790.

THE National Assembly decrees as Articles of the Constitution :

I. That the Law shall no longer sanction the solemn monastic vows of persons of either sex ; declares, therefore, that the orders and congregations of Regulars, in which such vows were made, are, and shall continue to be, suppressed in France, and that no similar institutions can be established in future.

II. That all individuals of both sexes, being in monasteries and religious houses, may come out of the same, upon making their declaration before the Municipality of the place, and shall be provided for by a suitable pension.

An enumeration will also be made of those houses to which the Religious may retire that are not willing to avail themselves of the present decree.

The National Assembly further declares, that nothing shall be changed, for the present, with respect to the houses charged with the public education, and in charitable establishments, until the
Assembly

Assembly have come to a determination on that subject.

III. The female Religious are permitted to remain in the houses in which they are at this present time, the Assembly expressly excepting them from that clause which obliges the male Religious to join several houses into one.

No. XXV.

Decree on a Motion being made relative to the Catholic Religion, 13th April 1790.*

THE National Assembly, considering that it has not, and cannot have, the exercise of any power over the conscience, nor over religious opinions; that the majesty of Religion, and the profound respect which is due to it, do not admit of its being made a subject of deliberation; considering also that the attachment of the National Assembly to the Catholic, Apostolic, and Roman worship cannot be doubted at that moment when this worship alone is to be placed by it in the first class of public expences, and when, by an unanimous emotion of respect, it has expressed its sentiments in the only way suitable to the dignity of Religion, and to the character of the National Assembly; decrees, that it cannot and ought not to deliberate on the proposed motion, but will proceed to the order of the day, concerning the ecclesiastical possessions.

* This motion, already rejected, was brought forward again by Dom. Gerle, in this form: "That it should be declared, that the Catholic, Apostolic, and Roman Religion should be, and should continue to be for ever, the Religion of the Nation; and that its worship should be the only public and authorized one."

No. XXVI.

No. XXVI.

The THIRD ADDRESS *of the National*
Assembly to the People of France.

MAY 3, 1790.

On the Subject of the Assignats.

THE National Assembly have just made a great step towards the regeneration of the finances. They have determined upon great sacrifices; they have stopt by no obstacle, by no prejudice; their duty was imposed on them by the safety of the State. Hoping every thing from public spirit, which every day seems to acquire new force, the National Assembly might have been enabled not to fear any false interpretation of their motives, and to rely upon their purity: but this consciousness is not alone sufficient for them; they wish the whole Nation to be their judge, and never were greater interests brought before a more august tribunal.

To give a Constitution to an Empire, to fix by that the destiny of the public fortune, and by the public fortune the support of the Constitution; such was the business of the National Assembly.

Frenchmen,

Frenchmen, the foundations of the Constitution are laid : the King whom you love has accepted them. Your suffrages have gathered this first fruit of our toils ; and from that moment we proceeded with certainty to labour for a free People, and undertook to re-establish order in the finances.

A gulph yawned before us ; in vain did taxes, at once burdensome and excessive, devour the substance of the People ; they were not sufficient for the immense public charges ; 60 millions of new subsidies would hardly have paid them, and while the most necessary expences were in arrears, while the most legitimate creditors were subjected to unjust delays, even the resources of futurity were not held sacred.

To such great disorders the National Assembly has only opposed your authority, and its own courage and principles. Equally just and firm, what each of you would have said it has said in your name. Fidelity to all engagements, relief for the People : such was your wish, and such has been their oath.

A strict enquiry into the expences has proved to them, that the amount of the former revenues would be more than sufficient, when they ceased to be lavished away. They immediately ordered all those economical retrenchments which could take place without delay, and made every preparation for what might come after.

The examination of the antient revenues convinced them, that the People might be greatly relieved

relieved without impoverishing the public treasury ; the most ruinous of the taxes has already been replaced by a subsidy, which is not aggravated by the immense expences of collection ; and this first operation is only an essay of a general plan.

The arrear of expence was beyond calculation ; and the disorder, favoured by the darkness in which it was enveloped, perpetuated itself. The Assembly threw light upon this obscurity, subjected to a strict liquidation all the debts up to the first of January last, and to a regular payment all the expences commencing from that day.

Great part of the revenues of the year was absorbed by anticipations ; and their renewal would have been continued in following years, so as to put to the hazard of an uncertain and ruinous credit the most urgent wants and the most sacred engagements. The Assembly resolved no longer to sacrifice the future to the present, and without further calculation prohibited all new anticipations.

At the same time they employed all their co-operators, some to investigate the public debt, by preparing its liquidation ; others to devise a system of taxation, founded on the basis of Liberty, and regulated by real convenience to the public weal ; some to combine the wants of the State with those of agriculture and commerce ; and others to determine the value of those domains which, in less happy or less enlightened times, our fathers had assigned for the discharge of a part of the public expences. The National Assembly was

thus preparing the materials of that regenerating system, which the Representatives of the Nation could alone undertake with any hope of success.

This vast plan, the fruit of such diversified labours, could not promise successful results untill a future period. The National Assembly have fixed its term irrevocably in the next year; and to reach it at that æra, without compromising either the public safety, or the principles of a wise administration, they have directed their attention boldly to the urgent wants of the present year.

It is on this year, particularly, that the accumulated weight of all the preceeding disorders falls. While the greatest part of the ordinary receipts were suspended or destroyed, either by the shocks inseparable from the happiest Revolution, or by that uncertainty which accompanies changes, even when most favourable; while the reduction of expences furnished as yet but slow and gradual succours; it was necessary, at once to provide for the general charges of administration, to pay off a debt of 170 millions, contracted on the faith of the Publick with a bank whose credit was the only resource of last year; to extinguish 141 millions of the anticipations proscribed by our decrees and the voice of the Publick; and to become just again to those Creditors of the State who have not yet received their annuities for the year 1788, and whose easy or distressed circumstances have so direct an influence upon all the classes of the industrious.

On such a combination of affairs the Assembly dared to fix their attention without despairing of their Country, and without being deterred from their firm resolution of rejecting every measure that might prove an obstacle to the success of their designs for the year 1791.

The safety of the State then evidently depended upon the discovery and employment of resources at once new and immense, with which it might be possible to reach that important epoch, and, above all, to reach it without an increase of charges already too heavy, and without the illusive means of an annihilated credit.

Determined by these powerful considerations, convinced, after a profound examination, that they proceeded in the only proper way, the National Assembly rejected every uncertain expedient; they had confidence to believe that a powerful Nation, that a free People governed by the laws, could in difficult circumstances exact from themselves what arbitrary power would in vain have solicited from public confidence. The Assembly had already decreed, the 19th of last December, a creation of Assignats on the product of a sale of ecclesiastical property and domains, to the amount of 400 millions; they had already destined them for re-imbursements, and as a subsidy for the expences of the current year; in confirming anew these dispositions, the National Assembly have just decreed that these Assignats should perform the office of money.

Delivered by this great measure from all uncertainty, and from all the ruinous effects of a credit perpetually abandoned to the caprices of avarice, the Nation has only need of union, constancy, and firmness, or, in one word, of itself, to assure the happiest effects from this decree, and to bring back into the public treasury, into commerce, and into all the branches of exhausted industry, strength, abundance, and prosperity.

The enemies of Liberty, Frenchmen, can alone weaken this hope; it is of consequence to render ineffectual their insinuations; it is of consequence to prove to a demonstration, that the resolution of the National Assembly is not founded solely on the most imperious necessity, but also on sound principles, that it is attended with no inconvenience, that, in short, under every point of view it is a wise and salutary law.

Look back for a moment—it was the disorder in the finances which brought to us the happy days of Liberty; called by a Citizen-king to the succour of the public weal, you could not save it in a sure and honourable way for yourselves and him, but by destroying the causes which, after having once overwhelmed you with evils, might one day produce them again, and perhaps render them incurable. Contempt for the Rights of Man was the source of your misfortunes: from the first moment your Representatives thought it incumbent to place the Rights of Men as the basis of a Constitution, calculated to preserve to the Kingdom its strength,

strength, to Frenchmen their dignity, to the public weal all the advantages resulting from our fortunate situation. From that moment, also, the true Representatives of the Nation, those who requiring nothing for themselves have demanded every thing for it, have had incessant battles to fight; they have fought them with courage; and the National Assembly has thence become better acquainted with your true interests.

Wherever under a free government man enjoys all the rights of which society cannot deprive him without injustice, the spirit of Corporations cannot be preserved without danger. It tends constantly to make a separation between its own and the common interest. All means left for its union are offensive weapons. In vain will the sacred interests of Religion be introduced to justify an exception to these principles, without which Liberty cannot exist. The holy duties which Religion enjoins, the august mysteries of which it preserves the tradition, require undoubtedly a particular profession, a profession that dedicates a whole life to support great truths by great examples; but it ought not to separate those who embrace it from the rest of the Citizens: *the moral influence of Religion ought to give no political influence to its Ministers.* Therefore, when labouring to regenerate France, to restore her true Liberty, to unite all private interests, all particular wills under the empire of the general will, the Nation had a right to resume the disposal of those

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possessions

possessions which could not have ceased to belong to her, which served less for the decent maintenance of the true Ministers of the Gospel, than to constitute a *State within a State*, and to promote a dangerous independence.

Henceforth the Nation is to make of that property the wisest use, according to circumstances.

To provide for the expences of the public safety, to discharge these engagements, of which the suspension is equally disastrous to the Citizens, and shameful to the Nation, are the first wants, or rather first duties. Would it have been possible to neglect them long, without compromising the fate of the Ministers of Religion themselves? Is it possible to conceive a class of men, a class of properties, which would not have been ruined by confusion and anarchy? The National Assembly would then have been wanting to every principle—would have betrayed your confidence, did they hesitate to set apart, from this moment, a portion of the national domains for the common safety and relief of the Nation at large.

What circumstances were ever more imperious? The enemies of Liberty have no resource but in the disorders and complaints of misery; they are certainly infatuated, if they hope to triumph by our despair; but we should not deserve to be free, if we did not join all our efforts to prevent such deplorable extremities.

Thus, governed by the surest political principles, and the most urgent wants, the National Assembly,

Assembly, accepting the intervention and assistance of the Municipalities, has decreed the sale of these domains, the well applied use whereof can alone stop the progress of the evil ; and since their former administration can no longer subsist, since by their circulation they will become a more fertile source of national riches, the Assembly has discharged every duty in disposing of these possessions ;—but from that time it became necessary to carry to the charge of the whole Nation all the expences which these provided for.

To the Nation belong Religion, its Ministers, the Religious Orders, the Poor ; your Representatives have, therefore, decreed, that henceforth the charges of worship, the just and honourable maintenance of the Ministers of the altars, the support of the Religious, and of the Poor, shall be furnished from the national Treasury ; they have placed the Creditors of the Clergy among the Creditors of the State. To the possessions of the Church, which are in the Nation, they have added all that belong to the Nation, in order to answer the same charges. These dispositions are wise ; at no time will you make any more sure, more conformable to true policy, or more consonant to the proper spirit of Religion.

Frenchmen, you will support all these measures ; you will not suffer the least resistance to retard the execution of the decrees of the Assembly, sanctioned by the King.

Let such amongst you, whom it will suit to purchase the lands that are to be sold, present themselves without fear : the property they shall acquire is assured to them ; it is from the Nation itself they will hold it. Despots, tyrants, they who govern without laws, owe each other nothing ; they can with impunity destroy each other's operations. A Nation does not thus strike against herself. What interest could she have to dispossess him whom she had put in possession ? To do so, it is necessary to conceive her as trampling under foot the laws she has given herself, or rather to suppose it possible for her to consent to expose herself anew to the pillage of despotism, and again permit a few men to invade her Liberty. The Constitution, which every one of you has sworn to maintain, guarantees us for ever from this misfortune.

If then you can purchase of the Nation with safety, if every idea to the contrary be repugnant to all appearance of reason, the National Assembly could dispose beforehand of the product of those sales which they have decreed ; and this is the purpose of the Assignats. The effects, of which they represent the produce, form their intrinsic value ; and that value is as evident as that of the metal contained in our common coin. These Assignats might have been necessary, sooner or later, in order to distribute among the Creditors of the State that part of the effects which was destined, by our first decrees, to supply the pub-

lic Treasury; but be the distribution sooner or later, that circumstance changes not their nature.

Their value remains the same; and if the Assignats are delivered out before the effects are sold, it is because there is a want of money to replace quickly what has disappeared from circulation.— Without this salutary anticipation, neither the public Treasury, nor yourselves, could get through this dangerous crisis, which it is so important to put an end to.

The National Assembly, however, have given up no *principle* to the laws of imperious necessity. They have examined this Assignat-money, under every point of view, before coming to a determination. They have not set aside the vain declamations on the ancient abuses of paper-money, but after the most exact analysis of their scheme. They have considered that gold and silver-money itself has two different values; the one as merchandize, the other as the sign of exchange. The first being capable of variation, according to scarcity or abundance, which always raise or lower the price of all commodities, it was necessary that the law should stamp the second value as unalterable, to avoid multiplying embarrassments in commerce.

The exact correspondence of these two values would be to money the point of perfection; hence the legal sign of exchange ought always to be as nearly as possible of a real value, equal to the value of convention. For this reason, paper-money,

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ney, without an effective value (which it cannot have, unless it represent special property), is inadmissible, in commerce, to stand in competition with the metals which have a real value, and independent of all convention. This is the reason why that paper-money, which had no other basis than authority, always caused the ruin of the countries where it was established. Hence too the Bank-bills, of 1720, after occasioning the greatest misfortunes, have left nothing behind them but painful recollections. The National Assembly were unwilling to expose you to this danger; and, therefore, when they gave the Assignats an obligatory value of convention, they had first assured to them a real and immoveable value, a value which enables them to support advantageously a competition with the metals themselves.

Of what use would Assignats be which people were at liberty to refuse? Placed as merchandise in commerce, far from helping the scarcity of specie, they would render that scarcity still more inconvenient, and perhaps more fatal; for the price of a commodity must necessarily decrease every time it becomes more common, especially at that moment when the means of purchasing it are become more rare.

The common pieces of money, without a *forced* currency, would have been an inconvenience almost equal to that of *free* Assignats; they would only appear in circulation as an article of merchandise, of which the price might vary every instant.

stant. Nothing could be transacted but with a thousand difficulties. It is then indispensable that the law should fix the course of the usual money, and that it should regulate as authoritatively whatever is to supply the place of specie in the circulation. But the Legislator has no right to give it this legitimate character, till he is first assured of the value which he hath stamped on it; and thus the National Assembly have acted. They created no Assignant-money, till after having ascertained a mass of national effects which could be disposed of, and formed from them a subsidy of 400 millions for the aid of the public Treasury.

The National Assembly expect, therefore, to see all good Frenchmen applaud this measure. It delivers them from all the baneful system of *shifts* in finance; it eases the revenues of the State of a considerable expence; it prepares the extinction of the public debt; it is useful to industry: in a word, it is worthy of an enlightened Nation, who will neither deceive themselves, nor deceive others.

The interest upon the Assignats will soon bring back the specie now hid; already have they produced an immediate and favourable change in regard to foreigners; that will be completed; every thing will at once be recovered the moment the provinces shall be at unison with the capital in the use of Assignats.

Is it necessary that the National Assembly should give assurances to their fellow Citizens as to the fate of Religion and her Ministers? as to that of all those who might regard the possessions of the Church as a mortgage or patrimony? What! will the mortgage of the Creditors of the Clergy be weakened, because it will pass into the hands of the Nation? because the Church-lands will hereafter be cultivated by the true proprietors? because the industrious care of fathers of families will substitute in place of the exertions of a life-renter, which exhausted the sources of production, that provident œconomy which reserves them for the nourishment of generations? Must we remind you that the National Assembly, enlightened, supported, and encouraged by your labours, regenerates without destroying? that the ruins with which they seem surrounded are the frail supports of despotism, and not the solid props of public prosperity? What imports it, what property shall discharge your debt to the Ministers of Religion, provided they are honourably treated, provided their salary removes them not from their duty; but brings them, on the contrary, nearer to those men whom they should edify, instruct, and console? Where is the example of a People who, in becoming free, became unjust towards those who served them; and have we not fixed the expences of Religion in the first class of public expences; just as you all place Religion itself in the first rank of your duties?

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When it is so evident that Liberty improves man; that it gives him virtues by restoring to him his dignity; that it frees him not from superstition but by communicating greater force to the duties of morality; how blind and perverse must it be to seek to persuade you that you become irreligious, that you despise the guardians of manners and morality, because, instead of leaving to the Clergy the disposal of their possessions, you maintain them with the money of your Treasury! Can you allow they should believe you less beneficent to your poor brethren, because the Laws themselves will watch over them, and because the Rights of Man are more than ever recognized, and held sacred?

After having proved to you the safety of the Assignat-money, the justice and the wisdom of the resolutions which form its foundation, what objections have we to overthrow? Need we apply to the frivolous fear of forgery, while it is so easy to counteract its effects, and to oppose thereto a vigilance, of which the incessant exertion will multiply around you the means of security and of verification?

The National Assembly will omit nothing to accomplish this most honourable enterprise. Be not forgetful on your part that, without the efforts of your Representatives, the misfortunes of this year would have brought on the loss of futurity; that this futurity is thenceforth yours; that the operations of the Assignat-money was the only thing
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that could turn it to your account; that it is linked with the Constitution; that it is a happy effect of it; that it is contaminated by no fiscal interests; that it delivers the publick stock from that art so fatally deceitful, by which, for so long a time, our credulity and resources have been abused.

After these explanations, can you hesitate to give your support to the Assignat-money, to regard as your enemies, and as the enemies of Liberty, those who would seek to interrupt their currency, to destroy the just confidence you owe to yourselves, to your own interests, to the decrees passed by your Representatives, by Citizens chosen by you, animated by your spirit, and courageously devoted to the conflicts you have appointed them?

You will not forget, Frenchmen, that union is the safety of those People who want to break their chains; you will not forget, that the Assembly, to whom you have committed the right of representing the Nation, is the only center of that union. They occupy themselves, in concert with your King, to preserve for ever your Rights from the attempts of arbitrary power; to guarantee your possessions, the fruit of your pains and cares, from the rapacious hands of depredators. All their disorders are now before our eyes. The causes which promoted them point out to us those which should preserve you from them. They can no longer impose them on us by vain sophisms—those complex administrations have disappeared,
which

which were contracted rather to serve as refuge to abuses than to prevent them. Either we shall be ruined, or the contributions of your justice and patriotism shall be constantly and faithfully applied to their proper destination. The same funds which you shall appoint to the extinction of the debt, will serve only to extinguish the debt; those which ought to maintain the public force, and the defenders of the Country on a respectable footing, will have no other destination. Religion, its Ministers, the Poor, will have no reason to fear that what is set apart for them, may be squandered for other purposes. The Majesty of the Throne, become more splendid still by its august functions, that of executing the laws of a free People, will be no more exposed to hear the groans of such a number of the wretched. The criminal extension of imposts, the avidity of Collectors who would extend them still farther, will no longer prove a stain in the government of the best of Kings.

Every where order, regularity, and their unshaken guardian, the loyalty of the Public, will become the guarantees of obedience, and the safeguard of your properties.

Frenchmen, second the National Assembly by your confidence; its indefatigable toils deserve it. A little longer, and the advantages of our Constitution will reach all classes of society. A little more time, and no People will have so much deserved the benedictions of the human race.

No. XXVII.

Decree as to the Right of WAR and PEACE.

MAY 22, 1790.

THE National Assembly decrees as Articles of the Constitution those which follow.

I. The Right of Peace and War belongs to the Nation. War cannot be determined upon but by the decree of the Legislative Body, which shall be passed upon the formal and necessary proposition of the King, and afterwards sanctioned by his Majesty.

II. The care of watching over the external safety of the Kingdom, of maintaining its rights and possessions, is delegated to the King by the Constitution of the State; hence he alone can enter into political connections with foreign Powers, conduct the negotiations, and choose the agents, make preparations for War in proportion to the neighbouring States, distribute the forces by land and sea as he shall think proper, and regulate the direction of them in case of War.

III. In the case of impending or begun hostilities, in the case of an ally to be supported, or of a right to be preserved by force of arms, the Executive Power shall be bound to notify the same,
without

without delay, to the Legislative Body, to make known the causes and motives thereof; and, if the Legislative Body be not sitting, it will assemble forthwith.

IV. On this notification, if the Legislative Body be of opinion, that the hostilities commenced are a culpable aggression on the part of Ministers, or of any other agent of the Executive Power, the author of this transgression shall be prosecuted as guilty of the crime of *lese-nation*; the National Assembly hereby declaring, that the *French Nation renounces the undertaking any War with the view of making conquests, and will never employ its forces against the liberty of any people.*

V. Upon the same notification, if the Legislative Body decide that War ought not to be made, the Executive Power shall be bound immediately to take measures to put an end to, or to prevent, all hostilities, the Minister continuing responsible for delays.

VI. Every Declaration of War shall be made in these terms :

On the part of the King of the French, in the name of the Nation.

VII. During the whole course of a War, the Legislative Body may require the Executive Power to negotiate a Peace; and the Executive Power shall be bound to yield respect to this requisition.

VIII. At the moment that a War ceases, the Legislative Body shall fix the period when the troops, raised over and above the Peace establish-

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ment, shall be dismissed, and the army reduced to its permanent state. The pay of the troops shall only be continued to the same term; after which, if troops beyond the Peace-establishment remain assembled, the Minister shall be responsible, and prosecuted as guilty of the crime of *lese-nation*.

IX. It belongs to the King to determine, and sign, with all Foreign Powers, all Treaties of Peace, Alliance, and Commerce, and all other Conventions he shall judge necessary for the good of the State; but the said Treaties and Conventions shall not have effect unless they shall be ratified by the Legislative Body.

No. XXVIII.

Decree relative to the fixing of the Sum necessary for the King's CIVIL LIST.

JUNE 5, 1790.

THE Assembly charge their President, with acclamation, again to repair to the King, to beseech his Majesty to make known his intentions as to the sum necessary for the expence of his Establishment; consulting therein more what is suitable to his own dignity and that of the Nation, than the strictness of his principles, and natural disposition to economy.

No. XXIX.

No. XXIX.

Decree for determining the Civil List.

JUNE 9, 1790.

THE National Assembly, after hearing the two letters and messages of the King read, vote, with acclamation, and unanimously decree, all the arrangements and demands contained in the said message. They fix also at four millions the dowry of the Queen; and ordain, that their President shall immediately present himself before their Majesties, to communicate to them the determination now adopted.

The following is the King's letter to the President of the National Assembly.

“ Sir, Paris, 9 June, 1790.

“ Embarrassed between the principles of a strict economy, and the consideration of those expences which the splendour of the French Throne and the representation of the Chief of a great Nation require, I would have preferred referring myself to the National Assembly, for them to fix the state of my Establishment. But I yield to their repeated solicitations, and I address to you this answer, which I request you would communicate to them.

“ I would have been desirous to refer myself wholly to the National Assembly for the determination of the sum applicable to the expences of my civil and military Establishment ; but their new solicitations, and the expressions with which their wish is accompanied, have prevailed on me to change my resolution. I am therefore to come to a clear explanation with them.

“ The expences, known under the name of those of the *King's Household*, comprehend,

“ I. The expences relative to my Person, to the Queen, the education of my Children, and to the houses of my Aunts ; and I ought immediately to add thereto the Establishment of a house for my Sister, which she has every right to expect from me.

“ II. The buildings and moveables of the Crown.

“ III. and lastly, My Military Establishment which, in the plans communicated to the Military Committee, makes no part of the Expences of the Army.

“ The whole amount of these different objects, notwithstanding the reductions which have taken place since my accession to the throne, is still about thirty one millions, independent of a tax of *aids* in the city of Versailles, amounting to 900,000 livres, which will henceforwards enter into the public revenue, with the diminution consequent upon my more habitual abode at Paris.

“ I be-

“ I believe that twenty five millions, by adding thereto the revenue of the parks, domains, and forests, of the houses of pleasure which I shall retain, may be a suitable sufficiency for these different expences, with the aid of considerable retrenchments.

“ Although I comprehend my Military Establishment in the objects I have just enumerated, I have not yet entered upon its organization. In this respect, as well as in every other, I desire to conciliate my views with the new order of things. I have no hesitation in thinking that the number of troops, destined for the guard of the King, ought to be determined by a constitutional regulation; and, as it behoves these troops to partake of the honour and the dangers attached to the defence of the country, they should be subject to the general rules of the army.

“ From these considerations, I have postponed the period at which my *Gardes du Corps* shall resume their office; and the delay of the organization of my Military Establishment is the less inconvenient, inasmuch as, since the *Garde Nationale* do duty around me, I find in them all the zeal and attachment I could have wished for; and I am desirous they should never be estranged from the guard of my person.

“ It would be impossible for me to discharge from a limited annual revenue the arrears due on my Establishment, with which the Assembly are

acquainted ; and I desire they would comprehend them in their general plans of liquidation.

“ I think that the reimbursement of the charges of my Establishment, and those of my Brothers, ought to be decreed, and to be joined with the preceding article ; the Constitution having proscribed the venality of charges. This disposition will naturally enter into the views of the Assembly : it will be the more just, because those who sacrificed considerable sums of money to purchase places, had reason to look for favours which the new order of things permits them no longer to expect.

“ I finish with the object nearest my heart. I have promised, by my contract of marriage with the Queen, that, in case I should not survive her, a suitable Establishment should be reserved for her ; she has just made a sacrifice of what, from time immemorial, has been considered as appertaining to the Queens of France, and which, converted into money, would amount to more than 4,000,000 livres.

“ This is an additional motive to me to be desirous, that the indeterminate engagements I entered into with her and her August Mother should be ascertained, by fixing her dowry ; it will give me pleasure to be indebted to the Representatives of the Nation for my tranquillity on a point so interesting to my happiness.

“ After

“ After having corresponded to the wish of the National Assembly with that confidence which ought to prevail between them and me, I will add, that I never will oppose any disposition of theirs relative to my Person. My own true interests will always be those of the Kingdom ; and, provided that Liberty and Public Order, those two sources of the prosperity of the State, are rendered sure, what might be wanting to me in personal gratifications I shall find, and much more than it, in the satisfaction derived from the daily spectacle of public felicity.”

No. XXX.

Decree concerning the STATUES in the Place des Victoires, the 19th and 20th June, 1790.

THE National Assembly, out of respect to Liberty and Foreign Nations, decrees, that all the symbols of servitude, and the haughty inscriptions which surrounded the public monuments, particularly that of the *Place des Victoires*, shall be destroyed.

June 20.

The National Assembly, considering that on the approach of that great day which is to unite Citizens from all parts of France, for the General

Federation, it concerns the glory of the Nation no longer to permit the existence of any monument which recalls the idea of Slavery, so offensive to provinces united to the Kingdom; that it belongs to the dignity of a *free People* to consecrate those actions only which themselves have judged and acknowledged as great and useful:

Have and do decree, that the Four Figures, in chains, at the feet of the statue of Louis XIV, in the *Place des Victoires*, shall be removed before the 14th July next; and that the present decree, after having received the sanction of the King, shall be sent to the Municipality of Paris, to be carried into execution.

No. XXXI.

Decree concerning the Suppression of HEREDITARY NOBILITY, LIVERIES, COATS OF ARMS and of the Qualities and Honours belonging thereto, the 19th June, 1790.

THE National Assembly decrees, that Hereditary Nobility be for ever abolished; and that, in consequence, the titles of *Prince, Duke, Count, Marquis, Viscount, Vidame, Baron, Chevalier, Messire, Esquire, Noble*, and all other similar titles, shall neither be assumed by, or given to, any person whatsoever:

That

That no French Citizen can take any other than the true name of his family :

That he shall not any more wear, or cause to be worn, livery, nor have coats of arms :

That incense shall not be burnt in the churches but in honour of the Divinity, and shall be offered to no person whatever :

That the titles *Monseigneur*, and *Messeigneurs*, shall not be given to any corporate body, nor to any individual ; nor likewise the titles of *Excellency*, *Highness*, *Eminence*, *Greatness* :

Forbidding, however, that any Citizen should allow himself, under pretence of the present decree, to violate the monuments placed in the churches, the charters, titles, and other deeds, interesting to families or property, or the decorations of any public or private places ; forbidding, also, that the execution of the regulations relative to liveries and the arms on carriages, should be carried into effect, or demanded by any person whatever, before the 14th July by the Citizens living at Paris, and before three months by those who live in the provinces.

The following Clause was added the 20th June, 1790.

“ All foreigners are exempted from the regulations of the present decree, and may retain in France their liveries and coats of arms.

No. XXXII.

Decree which confirms the PROTESTANTS of Alsace in the Rights they have enjoyed, and determines on the Petitions from the mixed Cities of that Province, the 17th August, 1790.

THE National Assembly, after having heard the Report of its Committee of Constitution; considering, that the Protestants of the two confessions of Augsbourg and Switzerland have always enjoyed in Alsace the exercise of public worship, with a church, consistories, an university, colleges, foundations, fabrick-lands, salaries to ministers and schoolmasters, and that these, and other rights, were confirmed to them at the period of their union to France: considering, also, that *the differences of religious opinions ought to have no influence in votes at elections, and that in the choice of those who are to fulfil the duties of public offices, no regard ought to be had to any thing but abilities and virtue*, decrees, that the Protestants of the two confessions of Augsbourg and Switzerland, inhabitants of Alsace, shall continue to enjoy the same rights, liberties, and advantages, which they have enjoyed, and had a right

right to enjoy, and that all attempts made against such shall be considered as null and void :

Decrees on the Petition of the cities of Colmar, Wissembourg and Landau, relative to the elections for municipal, administrative, and judiciary places, that there is no need to deliberate thereon.

No. XXXIII.

Decree for fixing, provisionally, the Expences of
LITERARY ESTABLISHMENTS, *the 20th of August,*
1790.

THE National Assembly decrees, that until the organization of all the Establishments for the promotion of Literature, Sciences, and Arts, shall be determined by the Legislative Body : the expences of those which the Committee of Finances have under consideration shall be provisionally regulated as follows :

The National Assembly decrees provisionally, for this year, the statements of the expence proposed by its Committee of Finance, for the different Academies and Literary Societies hereafter mentioned :

French

French Academy.

I. There shall be paid for this present year to the French Academy, out of the public Treasury, the sum of 25,217 livres, viz..

To the perpetual Secretary for his Salary, 1.3000

For Writings, - - - - 900

For the Mass on Saint Louis' Day, - 300

For *Jetons*, (to those present at meetings)

358 marks at 57 livres 15 sous each 20,717

For the support and repair of the coin

(*du coin*) - - - - 300

Total - - - - liv. 25,217

II. There is an annual grant besides of 1200 livres, to be given by the judgement of the Academy, in the name of the Nation, as a prize to the Author of the best work that shall appear, either on Morals, on Public Law, or on any useful subject.

Academy of Belles Lettres.

I. There shall be paid for the present year, without reserve, to the Academy of Belles Lettres, the sum of 43,908 livres, viz.

For pensions, of 2000 livres each, 1. 20,000

Five of 800 livres, - - - 4000

To

To the perpetual Secretary,	-	1000
For the library, designs, particular works, expences of an office, fire, candles, messengers, and supplement to the prize,	- - - - -	6,600
<i>Jetons</i> , 208 marks,	- - - - -	12,008
Preservation and repair of the coin,	-	300
Total,	- - - - -	liv. 43,908

II. Every year there shall be granted from the public Treasury, a sum of 1200 livres, to constitute a prize, which shall be assigned, upon the judgement of the Academy, to the Author of the most profound and best-written work on the History of France.

Academy of Sciences.

I. There shall be paid for the present year, without reserve, to the Academy of Sciences, the sum of 93, 458 livres, 10 sous, viz.

For eight pensions of 3000 liv. each,	1.24,000
For eight of 1800 livres,	14,400
For eight of 1200 livres,	9,600
For sixteen of 500 livres	8,000
To the perpetual Secretary, for salary,	3,000
To the Treasurer,	3,000
Expences in experiments,	16,000
Writings,	

Writings, - - - -	500
Mass on St. Louis' Day, - - -	400
Running expences - - -	1,438
Jetons, - - - -	12,820 10
Preservation and repair of the coin, -	300
 Total, - - - -	 liv. 93,458 10

II. Every year the sum of 1200 livres shall be granted to constitute a prize premium, which shall be assigned, on the judgement of the Academy, to the Author of any work or discovery most useful for the promotion of Arts and Sciences, whether he be a Frenchman or a Foreigner.

Royal Society of Medicine.

I. There shall be paid for the present year to the Royal Society of Medicine, the sum of 36,200 livres, viz.

For five pensions of 1500 liv. each, -	liv. 7,500
For three of 500, - - -	1,500
For eighteen of 400, - - -	7,200
For the salary of the perpetual Secretary, expences of an office and clerk, -	7,400
Gratifications to some of the members, -	1,800
Premium, - - - -	1,200
Charges of experiments and analyses, -	600
Second Clerk, - - - -	1,000
Jetons, - - - -	

Jetons, - - - - - 6,000

Expences of the office, public fittings,
printing, and extraordinaries, - 2,000

Total, - - - - - liv. 36,200

II. And the said Academies and Societies shall be bound to present to the National Assembly, within a month from this date, the schemes of those regulations, by which their Constitution is to be fixed.

No. XXXIV.

Decree relative to the Expences of the King's LIBRARY, and of the OBSERVATORY, and to the Rewards of some Men of Letters, the 3d of September, 1790.

THE National Assembly, by advice of its Committee of Finance, have and do decree as follows :

Library of the King

The expence of the King's Library shall be reduced, provisionally, to 110,000 livres.

Observatory.

The expence of the Observatory shall be 8,700 livres, viz.

To the Director, without deduction,	liv. 2,700
For three <i>Elèves</i> ,	- - - 3,000
For preserving the instruments,	- - - 2,400
For the Library,	- - - 600
Total,	- - - liv. 8,700

All the astronomical instruments, belonging to the Nation, shall be sent to the Observatory.

An inventory thereof shall be drawn up ; a copy of which, signed by the Director of the Observatory, shall be deposited in the National Archives.

The Director may trust these instruments to Astronomers, upon their becoming answerable for them.

The different machines belonging to the Nation, which are in different places of Paris, distinct from those connected with Professors chairs and public establishments, shall be united to the cabinet of the Academy of Sciences.

There shall, in like manner, be drawn up an inventory of all the machines, as well of the Academy of Sciences, as of the other deposits which are to be united to it, and of the public chairs and establishments ; and copies of these inventories, signed by those who have the charge of them, shall be sent to the National Archives.

No. XXXV.

Eighth Article of the Decree passed the 4th September, relative to the Sums granted to different Colleges, and Houses of Public Institution.

There shall be paid, provisionally, an annual sum of 15,600 livres to the *Free-school of Design*, at Paris, to commence from the first of October next.

No. XXXVI.

*SPEECH of M. Rabant De Saint-Etienne, on the following Motion of the Comte de Castellane, "No
" Man shall be molested for his Opinions, or
" interrupted in the Exercise of his Religion."*

" GENTLEMEN,

" SINCE the Assembly have decided that the member who spoke last, spoke to the question, it is permitted me to refute him, and to expose those dangerous principles which he has laid down.

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" He

“ He has indeed professed himself willing to allow, that no one has a right to penetrate into the private thoughts of men, but surely he has not divulged a very remarkable or profound truth ; for no tyrant ever yet conceived the design of entering into the secrets of thoughts ; and the veriest slave preserves, most certainly, that liberty which the Count has condescended to grant to free men.

“ He has added, that the *manifestation* of the thoughts might be a thing infinitely dangerous, that it is necessary to watch it, and that the law ought to be employed in preventing any one from manifesting his thoughts too freely ; that it was by such means new Religions were established ; and that nothing was wanting but the immediate establishment of a tribunal charged with these functions of superintendence.

“ Now, I say in my turn, that such an opinion so delivered is calculated to throw us again under the despotism of the Inquisition, did not the public opinion, which the Speaker has appealed to, loudly condemn his own.

“ His has been the uniform language of the intolerant, nor has the Inquisition any other maxims. It has always said, in its whining and guarded language, “ that undoubtedly you must not attack the thoughts ; that every one is free in his opinions, provided he does not manifest them ; but that such *manifestation*, being liable to trouble public order, the law ought to watch over it with a scrupulous attention ;” and, by means of such principles, the
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intolerant

intolerant have obtained that power of inspection which, for so many ages, has subjugated and chained up human thought.

“ But upon such principles, Gentlemen, there would be no Christians. Christianity would not have existed, had the Heathens, faithful to those maxims which certainly were not unknown to them, watched with care the *manifestation of new opinions*, and persisted in declaring that they *troubled the public order*.

“ The honour which I share in common with you, Gentlemen, of being a Deputy of the Nation, and a member of this august Assembly, gives me a right to speak in my turn, and to deliver my opinion on the question before you.

“ I seek not to defend myself from the odium which I may bring upon this important cause, because I am interested in its support; I do not think that any one ought to be suspected in the defence of his rights, because they are his rights. If the unhappy slave of Mount Jura should present himself before this august Assembly, he would neither excite dislike nor prejudice; he would inspire you, Gentlemen, with the greatest interest in his favour. Besides, I am executing a sacred commission, I obey my instructions, I obey my Constituents. It is a jurisdiction (*senéchaussée*) of three hundred and sixty thousand inhabitants, of whom more than one hundred and twenty thousand are Protestants, which has charged its Deputies to solicit from you the completion of the edict of

November, 1787. Another jurisdiction of Languedoc, and several other bailliwickes of the Kingdom, have expressed the same wish, and demand of you, for the Non-catholics, the liberty of their worship *.

“ It is on your own principles, Gentlemen, I rest my claims of requiring you to declare, in an article, *that every Citizen is free in his opinions, that he has a right freely to profess his worship, and that he ought not to be molested for his Religion.*

“ Your principles are, that Liberty is a common benefit, and that all Citizens have an equal right to it. Liberty then belongs to all the French equally, and in the same manner. All have a right to it, or no one has; he that would deprive others of it, is not worthy of it; he that would distribute it unequally, is ignorant of it; he who attacks, in any manner whatever, the liberty of others, attacks his own, and deserves to lose it in his turn, being unworthy of a present of which he knows not the value.

“ Your principles are, that Liberty of Thought and of Opinion is an unalienable and imprescriptible right. This Liberty, Gentlemen, is the most sacred of all; it goes beyond the empire of man; it takes refuge within the conscience, as within an inviolable sanctuary, where no mortal has a right to penetrate; it alone is excepted from submission.

* Here a crowd of Deputies called out, that their instructions contained the same wish. *All, All*, exclaimed several others.

to the common laws of society; to fetter it is injustice, to attack it is sacrilege.

“ I reserve my reply to the arguments which may be offered, by saying, that it is not to attack the conscience of Dissenters, but to forbid them the profession of their worship; and I hope to prove, that it is an extreme injustice, that it is to attack and violate their conscience, that it is to be intolerant, persecuting, and unjust, that it is to do to others what you would not wish should be done to yourselves.

“ But having the honour to speak to you, Gentlemen, in order to solicit you to introduce into the Declaration of Rights a certain and well-defined principle, on which you may establish, one day, just laws in regard to the Non-catholics, I ought first to mention their actual situation in France.

“ The Non-catholics (some of you, Gentlemen, cannot be ignorant of it) have received the edict of November, 1787, only *as what could not be refused them*; yes, what could not be refused them. I repeat it not without shame; but it is not a groundless censure; these are the very terms of the edict. This law, more celebrated than just, prescribes the forms of registering their births, marriages, and deaths; it permits them, in consequence, to enjoy civil property, and to exercise their professions, and this is all.

“ Thus then, Gentlemen, in France, in the 18th century, the maxim of barbarous times has been adhered to, of dividing a nation into a favoured

and disgraced *caste* ; and it has been considered as an improvement in legislation, that Frenchmen proscribed for a hundred years should be permitted to exercise their profession, that is, to live, and that their children should be no longer illegitimate. Still these forms, which the Law has imposed on them, are accompanied with restraints and shackles, and the execution of this Law of Grace has carried sorrow and disorder in those provinces where there are Protestants. This is an object which I propose to take up when you shall have arrived at the article of Laws. But in the mean while, Gentlemen, (such is the difference that exists between Frenchmen and Frenchmen), Protestants are deprived of several of the advantages of society. That *Cross*, the honourable reward of courage and of service done for one's country, they are prohibited from receiving : for to men of honour, to Frenchmen, it is to be deprived of the reward of honour, to obtain it by hypocrisy. In a word, Gentlemen, to compleat their degradation, and the injury done them, proscribed in their thoughts, culpable in their opinions, they are deprived of the liberty of professing their worship ! The Penal Laws (and what Laws but these rest upon this principle that error is a crime !), the Penal Laws against their worship have not been abolished ; in several provinces they are reduced to the necessity of celebrating it in deserts, exposed to all the inclemency of the seasons ; of stealing themselves, like criminals, from the tyranny of the Law, or rather

rather of rendering the Law ridiculous, from its injustice, by eluding and violating it every day.

“ Thus, Gentlemen, the Protestants do all for their Country, and their Country treats them with ingratitude. They serve it as Citizens, and are treated like persons proscribed; they serve like men whom you have made free, they are treated as if they were slaves. But at last there exists a FRENCH NATION, and to it I appeal in favour of two millions of useful Citizens who this day claim their rights as Frenchmen. I will not do the Nation the injustice to suppose, that it could pronounce the word *intolerance*—that is banished from our language, or it will remain there only as one of those barbarous and obsolete words which are no longer used, because the idea represented by them is annihilated. But, Gentleman, it is not *toleration* that I plead for, it is *Liberty*. Toleration! support! pardon! clemency! ideas to the last degree unjust towards the Dissenters, so long as it shall remain true, that the difference of religion, the difference of opinion, is not a crime. Toleration! I demand that it also be proscribed, and it will be so; that unjust word, which holds us out as Citizens that deserve pity, which exhibits as culpable persons who require pardon, those whom chance often, or education, leads to think in a manner different from ourselves. Error, Gentlemen, is not a crime: he who professes it takes it for truth; it is truth to him; he is obliged to pro-

fers it ; and no man, no society, has a right to forbid him.

“ And who, Gentlemen, in this mixture of errors and truth, which men disseminate, or transmit, or dispute on among themselves, who is he that will dare affirm he has never been deceived, that truth is constantly with him, and error with others ?

“ I demand then, Gentlemen, for the French Protestants, for all the Non-catholics of the kingdom, what you demand for all—Liberty and Equality of Rights. I demand it for that Nation* torn from Asia, always wandering, always proscribed, always persecuted, for near these eighteen centuries ; who would assume our manners and customs, if incorporated with us by law ; and whose morals we ought not to reproach them with, because they are the effect of our barbarity, and of that degradation to which we have unjustly condemned them.

“ I demand, Gentlemen, all that you demand for yourselves : that all the French Non-catholics be placed on the same footing in every thing, and without any reserve, with all the other Citizens ; and that the Law of Liberty, ever impartial, make no unequal distribution of the strict acts of rigorous justice.

“ And who of you, Gentlemen, permit me to ask, who of you would dare, who of you would chuse,

* The Jews.

who of you would deserve to enjoy Liberty, if he saw two millions of Citizens forming a contrast, by their slavery, to the lying pomp of a liberty, which would then exist no longer, because it would be unequally divided? What could you say to them, should they reproach you with keeping their minds in chains, while you reserve Liberty for yourselves? And what, I pray you, would be that Aristocracy of opinions, that feudality of thoughts, which should reduce to disgraceful bondage two millions of Citizens, because they adore your God in another manner than you?

“ I demand for the Non-catholics what you demand for yourselves, Equality of Rights, Liberty! the liberty of their Religions, the liberty of their worship, the liberty of celebrating it in houses set apart for that purpose, the certainty of being as free from molestation in their Religion, as you are in yours, and compleat assurance of being protected as you, as much as you, and in the same manner as you, by the Common Law.

“ Permit it not, Gentlemen—generous and free Nation, do not allow to be quoted before you the example of those Nations, who, still intolerant, proscribe your worship among them. You are not designed to receive examples, but to give them; and although there be unjust Nations, it does not follow that you should be so. Europe, which aspires to Liberty, expects from you great lessons, and you are worthy to furnish them. Let this

this code, which you are about to form, be the model of all others, and let not a blemish be left in it. But if examples may be cited, imitate, Gentlemen, that of the generous Americans, who have placed at the head of their civil code the sacred maxim of the Universal Liberty of Religion ; of these inhabitants of Pennsylvania, who have declared that all those who adore a God, in what manner soever they adore Him, ought to enjoy all the Rights of a Citizen ; of the gentle and wise inhabitants of Philadelphia, who behold all kinds of Worship established among them, and twenty different temples, and who owe, perhaps, to that profound knowledge of Liberty the Liberty they have acquired.

“ In fine, Gentlemen, I return to my principles, or rather to yours, for they belong to you ; you possessed yourselves of them by your courage, and you have consecrated them in the face of the world, by declaring that *all men are born and continue free and equal*.

“ The Rights of all Frenchmen are the same, they are all equal in their Rights.

“ I see no reason therefore why one part of the Citizens should say to another, I shall be free, but you shall not.

“ I see no reason that one part of the French should say to the other—“ Your Rights and ours are unequal ; we are free in our conscience, but
you

you cannot be so in yours, because it is against our will."

"I see no reason why the oppressed party might not answer —" Perhaps you would not talk thus, if you were the smallest number; your exclusive will is nothing but the law of the strongest, which we are not bound to obey. That law of the strongest might exist under the despotic empire of a single man, whose will constituted the only law; it cannot exist under a free People, who respect the Rights of every individual.

"Like you, Gentlemen, I do not know what an exclusive Right is; I cannot acknowledge an exclusive privilege in any thing whatever; but the exclusive privilege of opinions and worship, appears to me the height of injustice. You cannot have a single right which I have not; if you exercise it, I ought to do the same; if you are free, I ought to be free; if you can profess your worship, I should be able to profess mine; if you ought not to be molested, I ought not to be so; and if, in spite of the evidence of these principles, you should forbid us to profess our common worship, under the pretext that you are much and we are little, would it not be the law of the strongest, would it not be the height of injustice, and would you not violate your own principles?"

"But you will not expose yourselves, Gentlemen, to be reproached for the inconsistency of having declared, at the commencement of your sacred
Legislation,

Legislation, but a few days ago, *that men are equal in their rights*, and of declaring this day that *they are unequal*; of having declared them free to do every thing that does not injure another; and of declaring to-day, that two millions of your fellow Citizens are not free to celebrate a worship which does no wrong to any one.

“ You are too wise, Gentlemen, to make Religion an object of self-love, and in lieu of the intolerance of pride and lust of dominion, which for near fifteen centuries has shed torrents of blood, to substitute the intolerance of vanity. You cannot be surprised that there are men who think differently from you, who worship God in another manner than you do—you will not regard the difference of opinion as an injury done you. Taught by the long and bloody experience of ages, by the faults of your ancestors, and by their deserved sufferings, you will say without doubt: It is time to lay aside the sword of persecution, which still drops with the blood of our countrymen; it is time to restore to them their too long forgotten rights; it is time to break in pieces those unjust barriers, which separate them from us, and to make them love a Country which proscribed and chased them from her bosom.

“ You are too wise, Gentlemen, to imagine that it was left for you to execute what mankind for these six thousand years could not accomplish, that of bringing all men to one and the same worship.

ship. You will not believe that it was reserved for the National Assembly to annihilate a variety which for ever existed, or that you have a right which God himself will not exercise.

“ I forbear to mention, Gentlemen, a number of motives to engage your attention and sympathy in behalf of two millions of unfortunate beings. They will present themselves to you still covered with the blood of their fathers, and they will shew you the marks of their own chains. My Country is free, and with her I wish to bury in oblivion both the evils which we have suffered with her, and the still greater evils, of which we alone were the victims. What I demand is, that she should shew herself worthy of Liberty, by equally distributing it among all her Citizens, without distinction of rank, birth, or Religion; and that you should grant to the Dissenters all that you take to yourselves.

“ I conclude then, Gentlemen, that until you shall determine on the abolition of the laws respecting the Non-catholics, and put them on the same footing in every respect with the French, you should insert, in the Declaration of Rights, the following article :

“ Every man is free in his opinions, every Citizen has a right freely to profess his worship, and no one ought to be molested on account of his Religion.”

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After having thus spoken, M. Rabant concluded as follows :

“ GENTLEMEN,

“ I flatter myself, I have not incurred the ill-will of this Assembly, because obliged by my instructions to express the desires of my Constituents, I have demanded from you liberty of worship for a numerous body of your fellow-citizens, whom your principles call to a participation of your Rights. I even thought it became the interesting dignity of their cause, to lay aside for a while the august character of Representative of the Nation, which I have the honour to bear in common with yourselves, and to assume in some degree that of a suppliant. The maxims methought we have heard recalled at this fitting, rendered such a language necessary, and made it my duty to interest your humanity from sentiment, after attempting to convince by reasoning.

“ I have, however, one important observation to add, which is, that the free religious worship, which I ask for, is a common worship. All forms of worship are necessarily the act of many. The worship of an individual is adoration, or prayer. But none of you are ignorant that there never was a Religion without some form of worship, which has always been considered as a communion of several. Christians cannot refuse it to Christians, without contradicting their own principles, since all admit the necessity of a common worship.

“ I have

“ I have another observation, no less important, to make; which is, that the idea of a common worship is a tenet, an article of faith. It is then a religious opinion, in every sense of the words. Therefore it is impossible for you to deprive the Non-catholics of their worship, because it is impossible for you to restrain their freedom of opinion.”

XXXVII.

REPORT of the Diplomatic Committee on the FAMILY COMPACT, drawn up by M. Riquetti, Sen. (M. Mirabeau), and read in the Assembly, August 25, 1790.*

“ GENTLEMEN,

“ YOU have desired your *Diplomatic Committee* to give you their advice respecting the demand of the Court of Spain. The desire and the *need* of peace, the confident hope that it will not be interrupted, and the principles of the new Consti-

* This translation is taken from the 7th No. of a Political Pamphlet, entitled, *The Spirit of the Times*, where I found the Report had been correctly and elegantly translated.

tution,

tution, have been our sole guides in examining this important question. In order to resolve it justly, we have thought ourselves bound to consider the present state of public affairs, and our connections with the different Powers of Europe. We have felt the necessity of distinguishing the system hitherto embraced by the French Court, from that plan which suits the new order of things. It was not enough to know our duty and our interest—it was necessary at the same time to reconcile these with prudence: it was necessary to discover the best means of avoiding, without meanness, the scourge of war; and it was above all things urgent, to guard from that evil the cradle of the Constitution, around which, and before deciding on the assistance we owe to allies, all the public power of the State, or rather all the Citizens of the Empire, ought to form an impenetrable barrier. If we had nothing to consider but the *object* of the contest between the Courts of London and Madrid, we could not suppose that peace would be interrupted. The territory which these two powers are disputing belongs neither to the one nor to the other: it is incontrovertibly the property of the independent inhabitants whom Nature has produced there. This line of demarcation is of much more authority than that which the Pope has traced out; and the People of that country, if they be oppressed, are also *our allies*! We will not do so much injustice to two enlightened Nations, as to suppose that they would throw
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away their treasure and their blood, for an acquisition so remote, or for riches so precarious. The impartiality which has guided our judgement will always recall to us these simple truths, whenever there is need of them ; but this first point of view does not decide the question.

“ If, on the other hand, we ought to be determined solely by the necessity which our present circumstances impose on us, not only of avoiding war, but also the formidable preparations for it; can we conceal from you the state of our finances, not yet *regenerated*, or of our army and navy, not yet *organized*? Can we conceal from you, that amongst the innumerable evils, even of an unjust war, the greatest to us would be, the turning away the attention of the Citizens from the Constitution—the distracting them from the only object which ought to engross all their wishes and hopes—the dividing the course of that *public opinion*, whose whole force is scarcely sufficient to bear down the obstacles that still remain to be surmounted?—But neither the misfortunes of war, nor the inconveniences resulting from our present situation, are sufficient to decide the question of ALLIANCES.

“ Finally—If we ought to conduct ourselves at present according to what we shall one day be—if, bounding over the interval which separates Europe from the destiny that awaits her, we could give, at this moment, the signal of that UNIVERSAL BENEVOLENCE which the recovery of the

Rights of Man is preparing for the world—we should have no occasion to deliberate either about alliances or war. Will Europe have any need of a *science of politics*, when she has neither *despots*, nor *slaves*? Will France want *allies*, when she has no *enemies*? That period, perhaps, is not far from us, when Liberty, reigning unrivalled over the two worlds, will realize the wishes of philosophy—will absolve the human race from the crime of war, and proclaim every where PEACE; then the happiness of the People will be the only object of Legislators, the only source of energy to the Laws, the sole glory of Nations: then private passions, transformed into public virtues, will no longer tear asunder, by bloody contests, the ties of that brotherhood which ought to unite all governments and all men—then will be consummated the FEDERAL AGREEMENT OF THE HUMAN RACE!

“ But, let us own it with regret—these considerations, powerful as they are, are not the only ones which at this juncture must determine our conduct. The French Nation, when changing its laws and manners, ought doubtless to change its politics; but the errors which prevail in Europe condemn it still to follow partially an ancient system, which it could not suddenly destroy without danger. Wisdom requires of us, not to remove any of the foundations of the public security, without having substituted something in its place. Who
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is there I pray that does not know, that in external, as well as internal politics, every intermediate time is attended with danger? The interregnum of Princes is the epoch of troubles; the interregnum of the laws is the reign of anarchy; and, if I may express myself so, the interregnum of Treaties may produce a crisis dangerous to the national prosperity. Sooner or later the irresistible influence of twenty-four millions of men, speaking the same language, and bringing back the social art to these simple principles of Liberty and Justice, which possess an irresistible charm for the human mind, will find, in every country of the world, missionaries and proselytes. The influence of such a Nation will doubtless subdue all Europe to truth, to moderation, and to justice;—but not all at once, not in one day, not in the same instant. Too many prejudices still hold mortals in chains: passion leads them too much astray—too many tyrants hold them in subjection. Even our geographical situation does not permit us to insulate ourselves. Do not our distant possessions, scattered about in both hemispheres, expose us to attacks, which, if alone, we cannot repulse in all quarters of the world? And since, for want of instruction, all Nations do not believe that they have the same political interest, that of peace and of mutual and reciprocal benefits, is it not necessary to oppose the passions of some, the restlessness of others, and at least to restrain, by a formidable countenance,

nance, those who would be tempted to abuse our disturbances, and their own prosperity?

“ Whilst we shall have rivals, prudence will command us to place out of all danger that private property which constitutes the national fortune ; to watch over foreign ambition, since we must still speak of ambition ; and to regulate our public force, in proportion to that which may threaten our dominions. *So long as our neighbours shall not adopt completely our principles*, we shall be forced, even in pursuing a more generous policy, not to neglect those precautions which prudence demands. If our ambassadors have no more to plead the cause of our passions, they will have to defend that of our reason, and they ought to be more able in the one than the other.

“ It is but too true, that the Nation, which wishes at all hazards to preserve peace, undertakes a more difficult task, by offering spoils to cupidity, and conquests to glory, than even that which ambition inspires. Such, Gentlemen, are the most important reflections which have struck your Committee ; they have conducted us at first to two principles, which we have adopted, and which I ought to lay before you, before entering into larger details on the particular business of Spain.

“ These two principles, are, *first*, That all treaties previously concluded by the King of the French, ought to be observed by the French Nation, until they have been annulled, altered, or modified, in consequence of an investigation which
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shall be made for this purpose by the Assembly and its Committees, and according to the instructions which the King shall be entreated to give to his agents at the different courts of Europe.

“ *Secondly*, That from this moment the King ought to be entreated to make known to all the Powers with whom we have any connections, that the unalterable desire of peace, and the renunciation of all conquests, being the basis of our conduct, the French Nation, in all these treaties, considers the clauses purely defensive, as the only ones now existing and obligatory. These two principles appeared to us perfectly conformable to the spirit of our Constitution ; and it seems so much the more important to decree them, as on the one hand they will be sufficient, in case of need, to give encouragement to our allies ; and on the other, they will leave no doubt of our love of peace, our desire to see the torches of war extinguished for ever, and our intention never to take arms, but to repel unjust oppressors. 'Tis not enough that the ambition which seeks incessantly to aggrandise itself, that the politics which wish to confound every thing, be henceforth unknown to us—we must also inform all Nations, that if, in order to stifle for ever the seeds of war, it were necessary to give up all external force, to destroy our fortresses, to dissolve our army, and burn our fleets, that we would be the first to give an example of it. These two principles, which I have just mentioned, point out already the answer which it seems to us the King

ought to make to the Court of Spain : but your Committee will enter into some details : we have examined our alliance with Spain under various relations—the epocha of that engagement, its utility, its form, our faculties, the present disposition of the Spaniards, and the apparent views of the English.

“ Listen then to the result of our researches. The Spaniards were long our enemies. After more than an age of combats, the peace of the Pyrenees at last disarmed the formidable hands of two people, equally warlike and fierce, who ruined and tore each other to pieces, for the pride of a few persons, and at the expence of two Nations. The tranquillity of Europe was short. The passions of Princes do not sleep long. Louis XIV. united in his family the sceptres of France and Spain. This union, and the ambitious views which it perhaps concealed, roused all other Powers against us ; and if fortune favoured but the half of their vindictive projects, if we sunk not down under so many blows aimed at us at once, we could not, however, avoid that exhaustion of strength, that internal destruction, which is the consequence of a long war. It was soon apparent, that that succession which had cost so much blood, did not insure the repose of the two Nations. The two Kings were relations ; but their People were not united—their Ministers were rivals—and England, taking advantage of their divisions to weaken them, seized

seized with impunity the sceptre of the ocean, and the commerce of the world.

“ At length, after that fatal war, which cost France her ships, her treasures, and her finest colonies, our misfortunes furnished Spain a glorious opportunity of displaying that character which since then she has never ceased to possess. This generous People, whose good faith is remarkable even to a proverb, recognized us as their friends, when they saw us ready to fall. They came in to bear a share of our misfortunes—to renew our hopes—to weaken our rivals; and their Ministers signed, in 1761, a Treaty of Alliance with us, over the broken fragments of our arms, the ruin of our credit, and the wreck of our navy. What was the fruit of that Union? Sixteen years of peace and of tranquillity, which would not yet have experienced an interruption, if England had respected in her colonies those sacred principles which she adores at home, and if the French, protectors of the Liberty of others before having gained it for themselves, had not obliged their King to fight to defend the Americans.

“ This quarrel was altogether foreign to Spain, and might even have occasioned her some alarms respecting her colonies, and compromised in appearance her dearest interests. But England had first violated the laws of peace; and Spain, faithful to her engagement, flew to arms, and gave up to us—her fleets, her treasures, and her army. It is in conjunction with her that we acquired the
immortal

immortal honour of restoring Liberty to so great a portion of the human race.

“ Since the memorable peace which crowned our efforts, war appeared again ready to burst forth between France and England. As soon as the King of the French had given notice to his ally that he was arming, the ports of Spain were filled with formidable fleets. She wanted only a hint to fly to our assistance, and England agreed with us to disarm. But let us cast a veil over that shameful epoch, when the ignorance of our Minister robbed us of an ally, whom we had procured by our benevolence, whom we had sufficiently protected, by only shewing ourselves ready to defend her; and thus deprived us of an almost infallible mean of being henceforth the ARBITERS of PEACE in Europe. When we recollected this conduct of Spain, and the services she has rendered to us, we could not help asking ourselves, if France should break a treaty generously concluded, frequently useful, and religiously observed? More especially did we demand of ourselves, if it was proper to annul so solemn an engagement, at the moment when Spain would be pressed by the same dangers, *from which she had three times delivered us.*

“ We should have nothing to add for those who may fear that one of the Nations would obtain a superiority over the other in generosity; but our interest dictates to us other laws than those of gratitude. Some men of bold character, and proud
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of their Country, believe that France in arms may remain invincible, although *unconnected*. Such men are now amongst us; and this opinion is so much the more honourable, as it blends the public force with the energy of Liberty. But public Liberty will not become the greatest force of Empires, until the Nations of Europe, strangers to all injustice and all conquests, shall apply themselves solely to the cultivation of their internal treasures, and to their true prosperity. The annals of France record triumphs, which excite to vengeance and retaliation. She has colonies, which stimulate ambition; commerce, which awakens covetousness; and, if she shall be able one day to defend herself without allies, which I believe as strongly as any other can do, it does not follow that she ought *at present* to expose herself to a solitary struggle with powers whose strength is superior to her own. We do not speak now of what *necessity* may demand, but of what *prudence* requires. It is not our business at present to make a dangerous exhibition of our last resources, but to take the most proper steps to insure peace.

“ We do not consider any people as our enemy. For us enemies exist no more, not even that Nation which an insidious policy has hitherto represented as our rival—whose steps we have followed—whose great example has assisted us in obtaining our Liberty—and with whom so many new ties now occur to connect us. Another kind of rivalry, the emulation of excelling each other in good laws and government,

government, is about to take place of that which was nourished by politics and ambition. Do not suppose, I beseech you, that a free and enlightened people can wish to profit of our temporary troubles, to renew unjustly the miseries of war, to attack our infant Liberty, and stifle the bud of these principles which they themselves transmitted to us. It would be a sacrilege in her to attempt it—it is sacrilegious in us to make the supposition. Does not the same political morality at this moment influence Great Britain and France? Are not despotism and its agents our common enemies? Will not the English be more sure to retain their freedom, when they have the French free, as their auxiliaries?—But while we render homage to the philosophy of that people, our elder brethren in Liberty, let us listen also to the counsels of Prudence.

“ A politician ought to reason even upon suppositions, which he does not believe ; and the happiness of a people is worth the trouble of guarding against the most unlikely, as well as the most probable events, in order to maintain it. Suppose then that England foresees, with secret disquiet, the acquisition which a free Constitution will one day give to our strength, to our commerce, to our credit—that she reads in her own history our future destiny—and that, induced by a false policy, she wishes to profit from circumstances, to destroy a formidable alliance, of which she has often felt all the force. What are the measures which such a supposition

supposition ought to induce us to take? We cannot balance the number of English ships without those of our ally—Our interest then obliges us to confirm our alliance with Spain; and the only method to do it, is faithfully to fulfill our engagements. It will perhaps be said, that this fidelity may be the very cause of hurrying us rapidly into war—of stopping our Revolution—exhausting our finances, and annihilating our army. But what shall we reply to that dilemma? Either England wishes for war, or she does not. If she does not wish for it, if she arms only in order to negotiate with more success, she cannot regard our conduct as any provocation, and you will fulfil your engagements without endangering your tranquillity. If, on the other hand, England wishes for war, you must no longer count upon her justice, or her generosity—your inactivity would increase your dangers, in place of delivering you from them. If Spain be overwhelmed, shall not we soon become the object of the same ambition, and be exposed to a still fiercer vengeance? Will not then the same misfortunes which we dread as the consequence of maintaining an alliance, threaten our finances and our armies, and bring with them many other evils impossible even to be foreseen?

“ The Nation which has chosen us as its Legislators, demands from us also the security of its possessions and its commerce. Hesitation would probably weaken the public spirit, and undoubtedly diminish the respect due to your decisions—
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the hazard would seem to censure our want of foresight—an excessive confidence, while it justified your generosity, would compromise your wisdom. There would be room to fear that some of our best citizens, whose fortune would be affected by the first shock of an unexpected war, would be irritated by that circumstance—that the regret at having lost an ancient ally, would mix itself with the sensation of other accumulated losses ; and, finally, that we should be reproached, since it was necessary to decide between chances equally uncertain, with not having preferred that, which, if it exposes us to equal dangers, furnishes however, at the same time, the means of surmounting them.

“ It will be said, perhaps, that Spain, assured of our assistance, will become more difficult in her negotiation for peace, whilst, by refusing to interfere in the quarrel, the accommodation that we desire will experience no delay nor difficulty.

“ We have already precluded that objection : the principles which we propose to you to decree will leave no doubt to Great Britain of our intentions, and will make it evident to Spain, that our Constitution regards, as obligatory, only *defensive* engagements. Our conduct, therefore, will be marked by no hostile step, which a just defence would not render necessary. It will only run counter to the English in as far as they would become *aggressors*. Besides, were it certain that abandoning our engagements would force Spain to negotiate more speedily a peace with England, it is but

too obvious to foresee what, in that case, would be the nature of such an accommodation, and the irreparable injury a negociation of this sort would occasion to our credit and commerce.

“ It is not the Family Compact *in toto* that we propose to you to ratify, concluded as it was at a time when Kings alone spoke in the name of the People, as if the Countries they governed had been their patrimony, or that the will of the Monarch should decide their fate. This treaty bears the singular name of the *Family Compact*; but every decree that we have passed announces to all Europe, that henceforward we only recognize the *compact*s of *the Nation*. Contrived by a French Minister, who ardently aspired to repair the humiliations of an unfortunate war, it contains several articles calculated to bind Spain to his views, and to oblige her to render us assistance, even when we were the aggressors. But now, since we renounce the fulfilling of such engagements with others, we cannot claim their observance for ourselves.

“ Some of the articles ought to be ratified; such are those relative to the reciprocal guaranty of possessions, to the mutual succours the two Nations are to furnish one another, and to the advantages in trade which they establish. Some require explanation; for you cannot permit even the appearance of those *offensive* clauses, which you have been the first in Europe to abjure.

“ The sole measure on this subject proposed to you by your Committee, supposing you to adopt
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at this moment the plan of the decree they are about to submit to you, is, that you should give them in charge to examine in detail the articles of the Family Compact, in order to enable you to strengthen our connection with Spain, by making of that treaty a National Compact, by suppressing the useless and offensive stipulations, and petitioning the King to direct his Minister to negotiate with Spain a renovation of the treaty, upon those grounds you shall have approved of. Here the interest of Spain will combine with your own. What is the compact of one Cabinet with another? A Minister makes it—a Minister may destroy it. Ambition gives it birth; rivalry may annihilate it. Often is it dictated by the personal interest of the Monarch alone, while the Nation, its sole guarantee, takes no part in it. Such would not be the case with a compact truly national, which should bind as it were by an oath two Countries to each other, and which would at once unite grand interests and powerful efforts. 'Tis this compact which alone bends every individual to the general will, produces an indissoluble alliance, and is founded upon the firm basis of public-faith.

“ Such is the result of the labours of your Committee. It includes three points distinct from each other; but, as you perceive, not to be separated. The analysis of the two principles which are to form the foundation of your political system—a decision which preserves an useful alliance, by assuring to the King of Spain that we will fulfill
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our engagements,—and the demand of a decree, to charge your Committee with those modifications of the treaty, which may be requisite on its renewal. But this determination, should you adopt it, necessarily indicates other measures. The maintenance of our alliance with Spain would be fallacious if, in the midst of peace, and in restraining ourselves to give to those negotiations, which are to assure the repose of Europe, all the weight of our influence, we should not augment our armaments in the same proportion as our neighbours. It is not when a Nation has remote possessions, it is not when she believes herself possessed of great riches at a great distance, that she can resolve to take up arms only at the moment of her being attacked. Commerce requires protection, not only from real dangers, but from the fear of them; and never was it so important as at present to render our colonies sensible that they will be protected. Such are the evils produced by that execrable distrust which puts neighbouring Countries upon watching over, dreading, and considering each other as enemies. Why should the very necessity of assuring peace force Nations to ruin themselves in preparations of defence? May this horrid policy soon become an object of detestation over the whole earth!

“ With a view to combine the different objects detailed in their Report, your Committee propose to you the following decree, as the most proper way to fulfill your engagements without imprudence

dence, to change the antient system without violent shocks, and to avoid a war without weakness.

“ The National Assembly decrees, &c.”

No. XXXVIII.

Decree which adds Seven Members of the National Assembly to the Committee of Constitution, for the Examination and Arrangement of all the Decrees, and the separation of those which are Constitutional from those which are Regulative or Legislative
September 23, 1790.

THE National Assembly decrees that there shall be added to the Committee of Constitution seven Members, chosen from among all the Members of the Assembly, for the purpose of examining, in concurrence with the Committee of Constitution, all the decrees passed by the National Assembly, to separate those which properly form the Constitution from those which are only legislative, or regulating; to form in consequence a body of constitutional laws, and to revise the drawing up of the articles, in order to rectify the errors that may have crept into them. The labours of the Committee shall be given in to the Assembly, whenever there shall remain for discussion only the two last articles of the table which will fix the order of their proceedings, and then two days in the week shall be set apart for them.

No. XXXIX.

No. XXXIX.

Proposed Address to the Nation on the CIVIL CONSTITUTION OF THE CLERGY, drawn up by M. Riquetti, sen. and approved by the Ecclesiastical Committee, read in the Assembly, Jan. 14, 1791.*

FRENCHMEN! at the very moment when the National Assembly has connected the Priesthood with your New Laws, in order that all the institutions of the Empire, affording each other mutual support, your Liberty may be rendered impregnable, efforts are made to pervert the conscience of the People; the Civil Constitution of the Clergy, decreed by your Representatives, is on all hands exclaimed against, as subversive of the divine order of the Christian Church, and incompatible with the principles consecrated by ecclesiastical antiquity.

If this be admitted, then have we not been able to break the chains of our *Slavery*, without throwing off the yoke of our *Faith*! But no; Liberty is far from prescribing to us so impossible a sacrifice. Look, my Fellow-citizens, look at the Church of France, whose foundations are intermixed and

* On account of the offence taken, by some Members, at certain expressions in this Address, another was adopted.

lost amid those of the Empire : see how she is regenerated along with it ; how Liberty, that comes from Heaven, as well as our Faith, appears to point out the Church as her associate in eternity and divinity ! Consider, how these two daughters of Supreme Reason unite to unfold and satisfy all that is capable of perfection in your exalted nature, and to supply your twofold desire of existing with glory, and existing for ever !

We are reproached with having refused explicitly to decree, that the Catholic, Apostolic, and Roman Religion is the National Religion :

For having changed, without the intervention of Ecclesiastical Authority, the ancient boundaries of the Dioceses ; and thereby, as well as in other points of the Civil Constitution of the Clergy, encroached upon Episcopal Power :

And, in fine, for having abolished the ancient mode of nominating Pastors, and for appointing them to be elected by the People.

To these three particulars may be referred all the accusations of Irreligion and of Persecution, with which they attempt to stigmatize the wisdom and orthodoxy of your Representatives. They are about to reply, less with a view to justify themselves, than to put the true friends of Religion on their guard against the hypocritical clamours of the enemies of the Revolution.

To declare the Christian Religion *national*, would have been to degrade the most peculiar and essential

essential character of Christianity. In general, Religion is not, neither can be, a social relation; it is a connexion of an individual with the Infinite Being. Would you understand what was meant if one spoke to you of *a national conscience*? Now Religion is no more national than conscience, for a Man is not truly religious because he is of the Religion of a Nation; and were there but one Faith in the Universe, which all men were agreed to profess, still it would be true that each of them had a sincere sentiment of Religion no farther than that it was his own; that is, in so far as he would continue to adhere to that universal Religion, although the whole human race should abjure it.

Thus, in whatever manner you consider Religion, to call it *national* is to attribute to it a denomination at once insignificant and ridiculous.

Would it be either as a judge of its truth, or of its aptitude, to form good Citizens, that a Legislator should make a *constitutional* Religion!

In the first place, are there any *national* truths? Secondly, can it ever conduce to public happiness, to bend the conscience by the laws of the State? The law only unites us together in those points where we touch. Now men touch one another only on the surface; in thought and conscience they remain insulated; and even their associating together leaves them, in these points, the absolute existence of nature.

In short, there can be nothing national in an Empire but institutions, established to produce political effects ; and Religion being solely the correspondence of the thoughts and spirituality of man with the divine thoughts, the Universal Spirit, it follows, that it cannot under this character assume any civil or legal form. Christianity, in particular, is excluded by its very essence from every system of local legislation. God created not that *light* to give form and colours to the social organization of the French ; but he hath set it up in the middle of the Universe, as the grand mark of rendezvous, the center of union of the human race. Why do they not blame us, also, for not having declared, that the Sun is the *Star of the Nation*, and that no other shall be recognized, by law, for regulating the succession of days and nights ?

Ministers of the Gospel ! You believe that Christianity is the profound and eternal system of Deity ; that it is the reason of the existence of an Universe and the human race ; that it embraces all generations, and at all times ; that it is the bond of a society scattered through all the Empires of the world ; and “ which shall be gathered together “ from the four winds of the earth,” to be raised to the splendours of an Eternal Kingdom, which cannot be moved. And with ideas so vast, so universal, so superior to all the local distinctions of men, you demand that, by a constitutional law of our infant polity, Christianity, so powerful by its
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majesty and antiquity, should be declared *the Religion of the French!*

Alas! it is you who injure the Religion of our Fathers! You wish that, like those lying systems of Religion which have sprung from men's ignorance, and been countenanced by the rulers of the earth, and confounded in political institutions, as means of oppression, it should be declared the Religion of the Law, and of the *Cæsars!*

Undoubtedly, wherever an absurd Creed has produced a tyrannic government, or a bad Constitution depends on a senseless system of worship, there Religion must make an essential part of the Constitution.

Christianity, feeble and unsettled at its birth, sought not for assistance from laws, nor asked to be adopted by human governments: its Ministers would have refused a *legal existence* for it, because it behoved God only to appear in what was his own work: and we should, at this time, have been without the most luminous argument for its truth, if all those, who professed this Holy Religion, had found it in the legislation of *Empires*.

Strange inconsistency! Who are these men that demand of us with a heat and bitterness, so unlike the Christian spirit, a decree to render Christianity *constitutional?*

They are the same who blame our new Constitution, who hold it forth as subversive of all the laws of wisdom and justice; who denounce it, on

every side, as the engine of wrong, of force, and of revenge—they are the same who tell us that our Constitution will bring ruin on the State, and dishonour on the French Nation.

Ye double-minded! Why should you then introduce a Religion, which you profess to love and adore, into a Government which it is your boast to hate and decry? Why would you join all that is most venerable and sacred in the Universe to what you consider as the most scandalous monument of human wickedness? *What agreement, will St. Paul ask you, hath righteousness with unrighteousness? and what concord hath Christ with Belial?*

No, Frenchmen! it is neither good faith, nor sincere piety, that excites in the midst of your Representatives all these religious contests; it is men's passions, attempting to conceal themselves under specious veils, to cover with more impunity their dark designs.

Let us go back to the cradle of Religion; it is there that we shall be able to form an idea of its true nature, and to determine that mode of existence under which its Divine Author wished it to appear in the Universe. Of all the Sages who have applied themselves to instruct mankind, and to render them wise and happy, JESUS CHRIST is the only one who has not regarded them under some political relation; and who has not, in any one instance, mingled with his doctrines principles relative to the government of Empires. What-
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ever may be the influence of the Gospel on human morality, never did CHRIST, or his Disciples, give it to be understood, that the Evangelical institutions ought to enter into the constitutional laws of Nations. He no where commands those, whom he chose to publish his doctrine, to present it to the Legislators of the World as containing new ideas on the art of governing the People: *Go and teach men, saying, behold the Kingdom of God is at hand; and when you enter into a city, or into a village, ask who are they that will hear you, and abide there so long as is necessary to instruct them in what ye ought to teach them; but, if they refuse to hear you, go away; and be in every thing wise as serpents, and harmless as doves.*

The Gospel is then, from its institution, an economy altogether spiritual held out to mortals, inasmuch as they have a destination beyond the boundaries of civil association, and which is to be considered without any regard to political relations: it is proposed to man as his *second reason*, as a supplement to his conscience, and not to society as a new object of legislative measures. In fine, the Gospel by appearing in the world requires that men should *receive* it, and that governments should *suffer* it: this is the external character which distinguishes it in its origin from all other Religions that have domineered over the world, and it is this which will distinguish it to the end of time from all such as subsist only by being incorporated with the laws of Empires.

It is then a truth established by the nature of things, the light of Reason, and the very essence of the Gospel institution, that your Representatives, Frenchmen, neither ought nor could decree the Catholic, Apostolic, and Romish Religion, to be *national*.

But since Christianity is altogether a spiritual economy, beyond the power, and above the inspection, of men, why do we assume to ourselves the right of changing the ancient limits of the Dioceses, without the interference of spiritual authority ?

Surely, they ought to demand at the same time why we are Christians, and why we have assigned from the National Treasure, to the Ministers of the Gospel and the expences of worship, the most solid part of the revenues of the State ?

According to the elements of the Christian Constitution, its worship is the object of *free acceptance* with men and of *toleration* by governments. It can only be considered as *tolerated*, when it is received and observed but by a small number of the Citizens of a Kingdom ; but when it becomes the worship of the majority of the Nation, it loses the character of *tolerated* ; it is then a *worship received* ; it is in fact *the Religion of the Publick*, without being by right the *National Religion* ; for a Nation adopts not a Religion, as a *power*, but as a *collection* of men.

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From such a state of worship, its exercise having no connection with civil order, there will result the following consequences :

First, Ecclesiastical authority may divide among the pastors the spiritual guidance of the faithful, according to such divisions or limits as its interest and wisdom shall prescribe ; and government, bound by no tie to this religious system, has nothing to regard or reform in those limitations which are not politically visible.

Secondly, In this situation of Religion, which was for so long a time the only one demanded by the ancient Priests from the Powers of the earth, the subsistence of Ministers, the building and support of temples, and all the expences of a religious ceremonial, were a charge unknown to the Treasury ; for whatever belongs not to a political institution comes not within the line of public expence.

Thirdly, But from the moment that Christianity, adopted by a majority of the Citizens of a Kingdom, has been allowed by the National Power ; from the moment when that same Power, taking upon itself all the charges of the temporal state of Religion, and providing for all the wants of its worship and Ministers, hath guaranteed, on the faith of the Nation and the funds of its Treasury, the perpetuity and immutability of its acceptance of Christianity ; from that time that Religion hath received in the State a civil and legal existence, which is the greatest honour a Nation can render
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to the sanctity and majesty of the Gospel; and from that time also belongs to the National Power, which has given to religious institutions a civil existence, the authority to determine their civil organization, and to assign them an external and legal constitution. It can, and it ought to be master of Religion, according to the public character with which it hath stamped it, and in all those points where it has established a correspondence between it and the social institutes. It can, and it ought to take upon itself the ordering of the worship, in all that concerns those external relations conferred upon Religion by society, in all the physical increase she has thereby contracted, in all the ties by which she has been connected with the great machine of the State, and, finally, in whatever belongs not to her spiritual, innate, and primitive Constitution. It belongs to government, therefore, to regulate the diocesan boundaries, since they are the greatest public feature of Religion, and the manifestation of its legal existence. Why should not the sacred Ministers, in the division of the functions of worship, be subject to the same authority which prescribes the limits of all other functions, and which determines all the boundaries of the Empire?

Now let them tell us, what means the interference of spiritual authority in an arrangement wholly political? A Nation who, receiving into its bosom, and blending with its government, the Christian Religion, so disposes the system of its administration,

tration, that, wherever it finds men to govern, it there sets over them a ruling Pastor for their religious instruction; does such a Nation assume to itself the sacerdotal power? Does it make any attempt upon the conscience, articles of faith, sacraments, upon the relations or dependencies of hierarchy?

But, it is said, the spiritual jurisdiction of the Bishops has changed with the ancient division of the dioceses; and it is necessary that the Roman Pontiff should interpose, to grant to the Bishops powers accommodated to the New Constitution. Let those among our clergymen, of sincere hearts and minds, capable of observation, raise themselves above the ideas and traditions of a theology invented to disfigure Religion, and to render it subservient to the ambitious views of certain men, and they will acknowledge, that the founder of Christianity seems to have constituted his priesthood from the foresight of their future destiny; that is, he hath so formed it as to assimilate with all the civil forms of those States where the Christian Religion shall be embraced, and so as to be capable of exercise in every direction, and according to all those limitations which the laws of Empires shall assign it.

Was it by granting to each of them a portion of power, circumscribed by territorial bounds, that Jesus Christ instituted his Apostles? No, it was by conferring on each of them the plenitude of spiritual power, so that one alone, possessing the
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jurisdiction of all, might be established as the pastor of the human race. "Go," said he to them, "spread yourselves over the world; preach the Gospel to every creature.—I send you forth as my Father hath sent me." If then, at the moment of their mission, the Apostles had divided among themselves the teaching of the world, and that afterwards the Powers of the earth had changed those boundaries which they had voluntarily assigned themselves, would any of them have been uneasy because his jurisdiction was not the same? Can you believe they would have reproached public authority for assuming to itself the right of either restraining or enlarging spiritual authority? Above all, do you think they would have invoked the interposition of St. Peter to reinstate them into the functions of the Apostleship by a new mission?

And why would they have recourse to this first chief of the Universal Church? His primacy consisted not in the possession of a greater spiritual power, nor in a more exalted and extensive jurisdiction. He received not a particular mission; he was not consecrated a pastor of men by a special inauguration distinct from that of the other Apostles. St. Peter became a Pastor by virtue of the same words, which gave to all his colleagues the universe to instruct, and the human race to purify.

Thus we behold St. Paul, and the other Apostles, instituting Bishops and Priests in the different countries whither they carried the light of the

the Gospel ; and appointing them pastors of those flocks which they brought over to Christianity from the beginning ; and we no where observe that, to fulfill that sacred object, they invoked the authority of St. Peter, or that the new Pastors waited canonical institution from him.

What idea then have the Pontiffs of our Religion of their mission, since they no longer acknowledge in it the same character by which the Apostles were invested with theirs ? If it be true that the Christian priesthood has been but once instituted for all ages, does not Apostolic Power at this day subsist in Bishops only as successors of the Apostles to the universality of the primitive institution ? Does not each of them at the moment of his consecration become what every Apostle was at the moment he received his at the feet of the Everlasting Pastor of the Church ? And is not he SENT as Jesus Christ was sent by his Father ? In fine, has he not been invested with a fitness applicable to all places, to all men, continually subsisting, without alteration, in the midst of all changes, of every increase, and of every variation, which the limits of Churches can undergo ?

Take heed to your conduct, says St. Paul to the Bishops whom he had appointed in Asia, take heed to yourselves, and to the flock over which the Holy Spirit has consecrated you Bishops, in giving you the government of the Church of God, which Christ hath founded by his own blood.

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Weigh these words, and then ask yourselves if St. Paul believed in the *locality* of episcopal jurisdiction.

Bishops are then essentially charged with the government of the Universal Church, as the Apostles were; their mission is actual, immediate, and absolutely independant of all local boundaries. The episcopal unction suffices also for their institution; and they have no more need of the sanction of the Pope of Rome than St. Paul had of that of St. Peter. The Pontiff of Rome is only, as St. Peter was himself, the Pastor pointed out as the mark of union between all the Pastors, the summoner of the judges of the Faith, the depository of the belief of all the Churches, the preserver of the Universal Communion, and the guardian of the internal and spiritual order of Religion.

Now all these points of connection establish no distinction or dependance, properly hierarchical, between him and the Bishops of the other Churches, who owe to him, upon their accession to their sees, nothing more than an attestation of their union to the center of the common faith, and of their willingness to be Pastors in the spirit and meaning of the Catholic Creed, and to correspond with the Holy See, as the radical source of the authority given by Jesus Christ to his Church.

No other forms are to be found in Ecclesiastical Antiquity for the installation of Pontiffs. *I profess,* wrote formerly a Bishop to Pope St. Damase, *that*
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I am joined in communion to your Holiness, that is to say, TO THE CHAIR OF ST. PETER. I know that the Church was built on this rock. He who eateth the passover not in this house is a profane person; he that gathereth not with you, scattereth.

This is the precise character of the relation which Christ has established between St. Peter and the other Apostles, and the only rule for the correspondence that is to be maintained between Rome and all the Catholic Churches: it is the only one also, the observation whereof the National Assembly has recommended to the chief Pastors of the Church of France.

It is by referring to this ancient and incorruptible source of true ecclesiastical knowledge, that good minds will be convinced likewise, that metropolitan Bishops receive, by their very *occupying* of the See, appointed their metropolis, all the powers necessary for the exercise of their functions. In France, especially, it is a fixed principle, that episcopal power has no other limits than what are prescribed by considerations of police and good order, that is, boundaries purely territorial. Metropolitan Sees themselves are but establishments of police. The office of Metropolitan differs not from that of his Suffragan Bishops. His superiority over them he holds not by a particular mission, but only from the supremacy of the city where his See is established. This kind of sacerdotal hierarchy was altogether modelled from the
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civil ; and the Emperors drew, at their pleasure, the plan of these Establishments.

Will it be objected to us, that we have narrowed episcopal power, by elevating simple priesthood to the summit of episcopal dignity ? But is it not rather apparent, that our first object in our arrangements for its government has been to restore to it that immensity it possessed at its origin—to destroy all those limits with which an ancient or thick cloud of prejudice had circumscribed its exercise ? Unless indeed it were to break the hierarchical gradation, by which the dignified are distinguished from the inferior Clergy, to give to the Bishop of every Church a council, and to determine that he can do no act of authority, *in what concerns the government of the Diocese*, but after having deliberated thereon with the diocesan presbytery : as if the superiority, which the Pontiff *of divine right* possesses over his clergy, set him free from the duty imposed *by natural right* on all men, to whom is committed a vast and difficult charge, of having recourse to the assistance and light of experience, of mature age and wisdom : as if in this point, as well as in every other, the National Assembly had not re-established the usages of the ancient Church. *All was there transacted by council*, says Fleury, *because their only aim was, that Reason, Order, and the Will of God, should prevail.—In each church the Bishop did no important affair without consulting the Priests of his Diocese and the chief of his Clergy. Fre-*
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quently even be consulted the People, when they were interested in the matter as in Ordinations.

But can the same power, which possesses the exclusive Right of making Laws for the Nation, or is it proper that it should, suppress the ancient form of the nomination of Pastors, and submit it to the Election of the People?

Yes, certainly; it has such a Right, if the prerogative of an office belong essentially to those who are its object and end; and, in this respect, the French Priesthood also owe the Assembly an example of respect and obedience. It is for the sake of man that there exists a Religion and a Priesthood, and not for the Deity, who has no need of them. *Every Bishop, says St. Paul, chosen from amongst men, is set up for the service of men: he ought to be such an one as can sympathize with ignorance, accommodate himself to weakness, and enlighten error.*

And not only does the Apostle here declare the Right of the People in Ecclesiastical Elections, as derived from the nature of things, but he supports it by particular considerations of order and circumstance. The Sacerdotal Service is a Ministry of Humanity, of Condescension, of Zeal, and of Charity; wherefore St. Paul recommends it to be trusted to those men who are endowed with truly paternal and feeling minds, to such as have been long exercised in good actions, and are publicly known by their peaceful inclinations, and benefi-

cent habits ; on this account, also, he points out as judges of their fitness for the office of Bishop and Pastor of the People, those who have been spectators of their conduct, and the objects of their care.

However, because the National Assembly of France, charged with the Declaration of the sacred Rights of the People, hath recalled them to Ecclesiastical Elections, because it hath re-established the ancient form of these Elections, and recovered from disuse a proceeding which was a source of glory to Religion in her early and best days, behold the Ministers of Religion call out Usurpation—a *scandal*—impiety ; blame the restoration of the Right of Election to the People, as an attempt upon the imprescriptible authority of the Clergy, and have the audacity to appeal to the Roman Pontiff for his concurrence, which they pretend to be necessary !

Formerly, when an immoral Pope and a violent despot contrived, without the knowledge either of the Church or State, that wicked and scandalous contract, that *concordat*, which was nothing but a coalition of two usurpers, to divide among themselves the Rights and the gold of the French, we behold the National Clergy oppose this robbery with all the power of an unanimous resistance, demand anew the Elections, and claim with energy and perseverance the Pragmatic, which till that time had alone formed the Common Law of the Kingdom.

And

And it is this profane *concordat*, this simoniacal invention, which, at the time it was made, incurred all the anathemas of the French Priesthood; this criminal stipulation, I say, between ambition and avarice; this disgraceful compact, which for ages past has stamped on the most sacred offices the shameful blot of venality, that at this day our Prelates have the impudence to reclaim in the name of Religion, in the face of the universe, by the side of the cradle of Liberty, in the sanctuary of these Laws which have regenerated both the Empire and the Altar.

But, it is alledged, the choice of Pastors entrusted to the disposal of the people, will be merely the product of cabal.

How many are there among the most implacable enemies of the restoration of elections, to whom we could make this terrible answer? Is it for you to borrow the accents of piety, in order to condemn a law which appoints you successors, worthy of the esteem and veneration of that People who have incessantly prayed to Heaven to grant a Pastor for their children, who might console and edify them? Is it for you to invoke the aid of Religion, against the stability of a Constitution which ought to be her surest support—you who could not for a single instant bear the view of what you are, should rigid truth suddenly manifest in the light of day those dark and base intrigues which have procured your elevation to

bishoprics—you who are the creatures of the worst administration, the fruit of that dreadful iniquity, which called to the first offices of the Priesthood those who were sunk in idleness and ignorance, and mercilessly shut the gates of the sanctuary upon the wise and laborious part of the Ecclesiastical Order?

How could these men, who make an ostentation of so great zeal for assuring to the Churches a choice of Pastors worthy that sacred name, how could they have been so long silent, when they saw the fate of Religion, and the partitioning of the venerable functions of Apostleship, abandoned to the management of a Minister, himself the slave of the intrigues which surrounded the Throne? The opportunities for taking part against this sacrilegious traffic presented themselves to the Clergy at regularly returning periods: what did they then in their Assemblies? Instead of seeking out a remedy for the lamentable destiny of Religion, and of enlightening the wisdom of a religious and just Prince respecting that impiety which committed the care of providing Pastors for the Church of France to those pitiless Oppressors who rioted in the distress and tears of the People, they carried in a puerile manner to the feet of the Monarch, a base and vain tribute of adulation, and of contributions, imposed at the charge of the poor, industrious, and resident Labourers in the Vineyard of the Gospel.

But

But who sees not, that for our Prelates to have demanded another form of nomination to Ecclesiastical Offices, would have been to condemn too openly their own anti-canonical creation, and to have confessed themselves, before the Nation at large, to be *intruders*, whom it was necessary to reinstate or remove?

And if, not daring absolutely to disapprove of the re-establishment of the elective form for the Offices in the Church, the Prelates should again repeat to us, that the mode decreed by the Legislative Body is *contrary to the ancient forms*, which always granted to the Priesthood the honour of preponderating; we will ask them, if they find this predominating influence established in a precise Law of the Gospel Constitution; and if it be an effect of the rules by which JESUS CHRIST regulated the system of Religion?—We will ask them, what were the first Elections which immediately succeeded the foundation of Christianity? The multitude of Disciples chose, at the invitation of the Apostles, seven men full of the Holy Spirit, and of wisdom, to assist them in the cares of the Apostleship. These men received from the Apostles the Imposition of Hands, and became the first Deacons.

In our own days too, when and how did the Clergy ever interfere in the business of distributing diocesan and parochial places? There were Pontifical Sees to fill up, and the King gave them
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away—the titles of rich Abbeyes to be conferred, and the Court did it. A great part of the beneficed Cures were at the disposal of Patrons or lay Collators, who *did* dispose of them. A Non-catholic, a Jew, by the simple acquisition of certain manors, became arbiters of the fate of Religion, and of the moral condition of a great number of parishes.

Thus the great titles, and the great places in the Church, were distributed without the Clergy being accessory thereto, or even acquainted with it; and the Right, which they still retained over obscure and subordinate nominations, only served to render their nullity in the Administration of benefices more notorious and striking.

Undoubtedly there was an age of the Church, when the Priesthood presided at the Assemblies which met for the creation of Pastors, and when the People regulated their choice by the suffrages of the Clergy: but why do not our Prelates, in place of stopping at intermediate times, when the primitive forms were altered, go back to the Elections that followed close after the origin of the Church, when every city and every village had its Pontiff, and when the People alone proclaimed and brought in their Pastor? For it is proper to remark, that the associating of the Clergy to the Elective Assemblies, commenced with the diminution of Episcopal Sees; that is to say, that it originated in the difficulty of assembling the multitude belonging to one Church.

At these very periods, when the Priesthood was, as it were, the soul of the Assemblies, met for the election of the Ministers of the Sanctuary, the Bishops, poor and austere, bore all the burden of religious service. The inferior Priests were only their assistants. It was the Bishops alone who offered the public sacrifices ; who preached to the faithful ; who catechised the children ; who carried the alms of the Church to the abodes of the unfortunate ; who visited the public asylums of age, of infirmity, and of indigence ; whose bruised and venerable feet traversed the profound vallies and steep mountains, in order to diffuse the light and consolation of Faith through the bosoms of the innocent inhabitants of the fields and hamlets.— These are facts exactly parallel to that of the influence of Bishops over the choice of Pastors.

Now, are they willing to transform these *facts* into so many points of Ecclesiastical *Right*, and to pronounce the conduct of Prelates, who preach not the Gospel to their flock, and who travel in sumptuous chariots, contrary to that Constitution essential to the Church ?

The form adopted by the National Assembly is, therefore, the soundest, as being most conformable to the proceedings of Apostolic times ; and because nothing is so Evangelical, or so pure, as that which is derived from high Ecclesiastical Antiquity.

The blameable resistance of the Priests to the Laws of their Country, the obstinate efforts to revive the double despotism of the Priesthood and the Throne, have alienated from them the confidence of their Fellow-citizens ; and they have not, in our days, been summoned in any great number to those bodies that are henceforth charged with proclaiming the choice of the People.

But the time will come, when another generation of Pastors, created by Citizens attached to the Laws and to Liberty, as to the source of their existence and true greatness, shall regain this high esteem, which gave so much Authority to the Priesthood of the ancient Church, and rendered their presence so dear to those majestic Assemblies, where the hands of an innumerable multitude of People solemnly placed the sacred *tiara* on the head of the most humble and the most wise.

Then unquiet distrust and troublesome suspicions will disappear. The confidence, respect, and love of the Poor, will open to Priests the gates of such Assemblies, as well as to the most respectable supporters of Public Spirit and incorruptible Patriotism. They will think it an honour to yield to their suffrages ; for nothing, in fact, is more honourable for a Nation than to confer a great authority upon those whom they have not been able to elect to the high offices of Religion, without first recognizing in them the advantage of great

great talents, and the merit of great virtues. Then the Priesthood and the Empire, Religion and Patriotism, the Sanctuary of Sacred Mysteries, and the Temple of Liberty, and of the Laws, instead of crossing and clashing with one another at the impulse of the jarring interests of mankind, will compose but one system of public happiness; and France will teach the Nations, that the Gospel and Liberty are the inseparable bases of true Legislation, and the eternal foundation of the most perfect state of the human race.

This is the glorious and salutary epoch which the National Assembly has been desirous to prepare, and to accelerate which the knowledge and virtues of the Clergy will join their influence with that of the new Laws; but it may also be kept back by their prejudices, their passions, their resistance.

Ye Pastors and Disciples of the Gospel, who calumniate the principles of the Legislators of your Country, do ye know what you are doing? You console the impious, to whose desolating system the Law had opposed insurmountable obstacles; and it is from you that the enemy of the Gospel Faith expects at this day the abolition of all worship, and the extinction of every religious sentiment. Imagine to yourselves that the patrons of irreligion, calculating the steps by which a false zeal for the Faith leads to its ruin, pronounce within their own circle the following discourse: “Our Representatives

tives had replaced the edifice of Christianity on its ancient foundations, and our measures to overthrow it were always disconcerted. But what should have given to Religion so great and impregnable a stability, becomes now the earnest of our triumph, and the signal of the overthrow of the Priesthood and its temples." Look at those prelates and Priests, who in all the provinces of the Kingdom excite the spirit of sedition and fury; look at their perfidious protests, in which they threaten with the pains of Hell such as embrace Liberty, and refuse to ask back the slavery from which they have escaped. Consider the affectation of their imputing to the Legislators of the Empire the atrocious character of the antient persecutors of the Christians. Look at the Clergy, eternally contriving means to make themselves masters of the public force, in order to draw it forth against those who have despoiled them of their antient usurpations, to enable them to re-ascend the throne of their pride, and to cause a reflux of that gold into their Palaces, which was their scandal and shame. See with what ardour they mislead the conscience, and alarm the piety, of the simple, frighten the timidity of the weak, and set themselves to make the people believe, that the Revolution and Religion cannot subsist together.

Now the people will end by believing this in reality; and, balancing between the alternative of being a Christian or a free-man, they will take that
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side which will least encroach upon their necessity of a respite from their antient misfortunes : they will abjure Christianity, curse their Pastors ; and will neither seek to know, nor to adore, any but God, the Creator of Nature and of Liberty ; then all that call to their remembrance the God of the Gospel will be odious to them ; they will only be inclined to offer sacrifice on the altar of their Country ; they will regard their antient temples only as monuments, of use to evidence how long they had been the sport of imposture and the victims of deceit. They will not then be able long to suffer the price of their sweat and their blood to be applied to the charges of a worship they reject, and that an immense portion of the public resources should be allotted to a conspiring Clergy. Behold then that Religion, which hath withstood all human controversies, destined to expire in the tomb dug for it by its own Ministers !

Ah ! tremble lest this calculation of unbelief should be founded on the most alarming probabilities ! Will it not be said, that all those who study to decry, as an invasion of the rights of Religion, the proceedings of your Representatives in the organization of the sacred ministry ; will it not be believed, that their aim is the same as that of the impious, that they foresee the same issue, and that they are resolved to ruin Christianity, provided they get their revenge, and that they have exhausted every method to recover their
power,

power, and to replunge us into slavery ? that is to say, the only difference which distinguishes, as to this point, the irreligious doctrine from ecclesiastic aristocracy is, that the first wishes for the ruin of Religion, in order to render more certain the triumph of the Constitution and of Liberty ; and that the second tends to destroy the Faith, in the hope of seeing involved in its fall Liberty and the Constitution of the Empire. The one desires to see the extinction of the Law of the Gospel among us, as believing it an obstacle to the perfect Liberty of man ; the other exposes the Faith to the greatest dangers, with a design to ravish from you what you have re-conquered of your Rights, and to enjoy once more your depression and misery. In a word, the one hates only in Religion what appears to sanction principles favourable to tyrants ; and the other voluntarily gives it up to all the dangers of a fall, from which they expect the return of tyranny, and the renovation of all the *Orders*. Thus, the spirit of humanity, which blends itself in the enterprizes of unbelief against the Gospel, softens, and in some measure renders venial, its temerity and injustice. But what can excuse our Clergy for the injury they do to Religion, in order to replunge men in misfortune, and to recover a power, the loss of which excites all their passions, and irritates all their habits ?

O you, who are pastors in sincerity, in the sight of Heaven, and in your conscience, who have not
hesitated

hesitated till this day to seal with your oath the new Constitution of the Clergy, but from an unfeigned apprehension of rendering yourselves accomplices in an usurpation ; recall to yourselves those antient times, when the Christian Faith, reduced to the necessity of concentrating all its majesty and treasures in the silence and darkness of caverns, exulted with a joy so affecting and pure, when it was announced to her austere and venerable Priests that the sword of persecution was at rest ; when they were told of the termination of a cruel reign, and the accession of a Prince more wise and humane ; when with less terror they could leave those profound caves where they had set up their altars to go to comfort and strengthen the piety of their humble disciples, when they were permitted to send up from under the earth some sparks of that divine light, of which they kept the precious deposit.

Now, suppose one of these venerable men, emerging all of a sudden from those antient catacombs, where his ashes lie confounded with those of so many martyrs, should at this moment come to contemplate in the midst of us the glory with which Religion is surrounded, and that with a glance of his eye he should discover all these temples, and these towers that bear so high the dazzling symbols of Christianity, that cross of the Gospel which presents itself on the summit in every part of this great Empire : what a spectacle for him

him who, at his descent to the grave, had never seen Religion but in forests and deserts ! What ravishing, what transporting emotions ! Methinks I hear him exclaim, as did the stranger of old, upon viewing the camp of the People of God—*How beautiful are thy tents, O Israel ! What order and what majesty are in thy dwellings, O Jacob !*

Calm then, oh ! calm your fear, ye Priests and Ministers of the God of Peace and Truth : blush for your inflammatory exaggerations, and no longer regard our labours through the medium of your passions : we will not ask you to swear against the law of your heart ; but we will demand of you, in the name of that Holy God who will judge us all, not to confound human opinions and scholastic traditions with the sacred and inviolable rules of the Gospel. If it be contrary to morality to act against conscience, it is no less so to make conscience of false and arbitrary principles. The obligation to inform our conscience is prior to that of obeying conscience. The greatest public misfortunes have been occasioned by men, who believed they were obeying God, and saving their souls.

And you, Frenchmen, the adorers of Religion and your Country, a high-minded, but generous People, consider your past and your future condition. What was France a few months ago ! Wise men invoked Liberty, but Liberty was dead to their voice. Enlightened Christians asked where the Faith of their fathers was fled ; and the
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true Religion of the Gospel was no where to be found. We were a Nation without a Country, a People without government, and a Church without a character. There was nothing regular or certain amongst us but the display of all vices, the scandal of all kinds of injustice, the public contempt of Heaven and of man, the total extinction of the first principles of Religion and morality. What a Country was that in which every thing was at the absolute disposal of a few men, without restraint, honour, or intelligence, and before whom God and the human race were counted as nothing ! And what Revolution but this, which at once substituted to that disorder a spectacle in which all is disposed and arranged according to the eternal laws of Nature ! where nothing is to be found dissonant, except the impotent fury of certain souls, incapable of being raised to the elevation of public sentiment, and formed to grovel in the meanness of their personal passion !

Frenchmen ! you are the conquerors of your own Liberty, you have reproduced it in the bosom of this vast Empire, by the great movements of your courage : be now the preservers of it by your wisdom and moderation. Spread around you the spirit of patience and of reason. Pour the consolations of brotherly love into the hearts of those on whom the Revolution has imposed painful sacrifices ; and forget not, that if the regeneration of Empires cannot be effected without

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an explosion of popular power, it cannot be preserved without the restoration of Virtue and of Peace. Reflect that the repose and silence of a victorious Nation, amidst so many efforts and plots against its Liberty and happiness, are the most formidable of all kinds of opposition to that tyranny which would again endeavour to raise its ramparts, and that nothing so effectually defeats the designs of the perverse as the tranquillity of exalted minds !

No. XL.

Extract from M. Riquetti's Speech, January 28, 1791, on the Augmentation of the Army, the Reports of an approaching War, &c.

HAVING taken a view of the state of the different Powers of Europe, and shewn that France had nothing to fear from them, he proceeds to England.

“ Shall it be of England ? In regard to other European Powers, it is enough to penetrate into the probable intentions of their Cabinets ; but when we speak of Great Britain, we must also listen to the voice of the Nation. What have we to hope or to fear from the English Ministry ? From this moment to lay the grand basis of an eternal
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amity between their Nation and ours, would be a profound act of rare and virtuous policy. To wait for events, to chuse a situation in order to play a part, perhaps to set Europe in agitation, to keep themselves from being idle, would be like the conduct of an intriguer who labours hard for the renown of a day, because he has not credit enough to live upon a beneficent Administration. Will the English Ministry then, placed as they are between these alternatives, embrace that which will be productive of good without splendour, or that which will be attended both with brilliancy and catastrophes? I cannot tell; but I know well that it does not become the prudence of a Nation to reckon on exceptions and political virtues: I will not invite you, therefore, in this respect to too great security; but I will not conceal, at this moment, when the English Nation is calumniated among us, because of that publication by a Member of their House of Commons, whom every admirer of great talents has been afflicted to count among the superstitious detractors of human Reason; I will not conceal, I say, what I have collected from authentic sources, that the English Nation rejoiced when we proclaimed the *Magna Charta* of humanity, recovered in the ruins of the Bastille: I will not conceal that, if some of our decrees have clashed with the episcopal or political prejudices of the English, they have applauded our Liberty itself, because they clearly perceive that all Free People form together a Com-
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pany of Insuranc against tyrants. I will not conceal that, from the bosom of that Nation, so respectable in itself, a terrible outcry would arise against those Ministers who should dare to send against us a ferocious crusade to attack our Constitution. From the bosom of that classic land of Liberty, a volcano would issue, to swallow up the guilty faction that should attempt upon us the baneful art of enslaving the People, and forging those chains anew which they had broken. Ministers will not despise this opinion of the Publick, which, though less noise is made about it in England, is nevertheless as strong and more constant than with us. It is not then an open war that I dread; the embarrassments of their finances, the ability of their Ministers, the generosity of the Nation, their great number of enlightened men, assure me against direct enterprizes: but it is underhand manœuvres, secret measures to excite disunion, to balance parties, to play them off one against another, and to obstruct our prosperity; this is what may be feared from malevolent politicians: they may hope, by promoting discord, by prolonging our political variances, by giving hopes to malcontents, by permitting one of our Ex-ministers, who seems crazy, to flatter them with vague encouragements, by sending forth against us a vehement writer, easy to be disallowed, because he sets up as one of the Opposition-party, that they may see us in a little fall into an equal disgust with

Despotism and with Liberty, despair of ourselves, waste away by degrees, and die of a political consumption; and then, having nothing to fear from the influence of our Liberty, they will not have to dread that extremity which is truly burdensome to Ministers, *of being at peace in Europe*, of cultivating at home their proper means of happiness, of renouncing these pompous bustles, these great strokes of State, which are so imposing, because few can judge of them, to give themselves up purely to the care of governing, managing, and rendering the people happy, a charge which is not agreeable to them, because it can be estimated by the whole Nation, and leaves no room for quackery. Such might be the insidious policy of the Cabinet, without the participation, and even without the knowledge, of the English people; but this policy is so base, that it can only be imputed to an enemy of the human race; and so narrow, that it would only suit very vulgar characters, and in our days it is little to be feared.

ERRATA.

Page 88, last line, for 1778, read 1788.

— 100, line 26, — increase — income.

— 204, — charges — changes.

Appendix, page 120, line 16, for ARSMS read ARMS.

— 414, read 144.





Christie, Thomas

Letters on the revolution of France, and on the new constitution
established by the National Assembly to which is added, an appendix,
containing original papers and authentic documents relative to the affairs
of France, addressed ot Sir John Sinclair
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